



THUR by 1100  
State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3513/P2

TJD:cjs:rs

RMNR

In. 1128

Due Thursday  
1130 morning  
at the latest

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

stays

GA ✓  
Ger Cat

1 AN ACT to amend 15.07 (1) (cm), 46.031 (2), 46.031 (2g) (a), 46.031 (2g) (b), 46.031  
2 (2r) (b), 46.031 (3) (a), 46.031 (3) (b), 46.031 (3) (c), 46.034 (3), 46.175, 46.18 (1),  
3 46.18 (3), 46.18 (4), 46.18 (11), 46.18 (12), 46.18 (13), 46.18 (14), 46.18 (15), 46.19  
4 (4), 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g), (3r), (4m)  
5 (a) and (b) and (6), 46.56 (1) (a), 46.56 (2) (a), 46.56 (2) (b), 46.56 (3) (b) 11., 46.56  
6 (4) (d), 46.56 (15) (b) (intro.), 46.87 (3) (a), 46.87 (3) (c) (intro.), 46.87 (4), 46.87  
7 (7) (intro.), 46.87 (7) (b), 46.87 (7) (c), 51.20 (18) (a), 51.42 (1) (b), 51.42 (3) (a),  
8 51.42 (3) (ar) 3., 51.42 (3) (ar) 8., 51.42 (3) (ar) 14., 51.42 (3) (b), 51.42 (4) (a) 1.  
9 (intro.), 51.42 (4) (a) 1. a., 51.42 (4) (a) 2. (intro.), 51.42 (4) (b) 1., 51.42 (5) (a)  
10 4., 51.42 (5) (a) 5., 51.42 (5) (a) 6., 51.42 (5) (a) 12., 51.42 (5) (b) (intro.), 51.42  
11 (5) (b) 3., 51.42 (6) (d), 51.42 (6m) (intro.), 51.42 (6m) (c), 51.42 (6m) (i), 51.42  
12 (6m) (m) 3., 51.423 (11), 51.437 (4) (a), 51.437 (4g) (a), 51.437 (4g) (b), 51.437 (4g)  
13 (c), 51.437 (4m) (j), 51.437 (4m) (m), 51.437 (4r) (a) 3., 51.437 (7) (a) 1., 51.437  
14 (7) (a) 2., 51.437 (9) (a), 51.437 (9) (g), 51.437 (10) (ar) 3., 51.437 (10m) (intro.),  
15 51.437 (10m) (c), 51.437 (10m) (i), 51.437 (10m) (n) 3., 51.44 (4), 51.61 (1) (e),

1 51.61 (1) (f), 55.001 and 59.53 (7); and **to create** 15.07 (1) (b) 24., 15.07 (3) (bm)  
2 7., 15.195 (9), 20.435 (5) (kf), 51.41 and 59.53 (25) of the statutes; **relating to:**  
3 Milwaukee County mental health functions, programs, and services, creation  
4 of the Milwaukee County <sup>M</sup>mental <sup>H</sup>health <sup>B</sup>board, and making an appropriation.

Insert A

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

Insert 2-5 The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 15.07 (1) (b) 24. of the statutes is created to read:  
6 15.07 (1) (b) 24. The Milwaukee County mental health board, subject to s.  
7 15.195 (9).

\*\*\*\*NOTE: The inclusion of this provision in this statutory unit dictates that nominations are by the governor with appointments by advice and consent of the senate.

8 SECTION 2. 15.07 (1) (cm) of the statutes is amended to read:  
9 15.07 (1) (cm) The term of one member of the government accountability board  
10 shall expire on each May 1. The terms of the 3 members of the land and water  
11 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
12 The term of the member of the land and water conservation board appointed under  
13 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
14 the appraiser members of the real estate appraisers board and the terms of the  
15 auctioneer and auction company representative members of the auctioneer board  
16 shall expire on May 1 in an even-numbered year. The terms of the members of the  
17 cemetery board shall expire on July 1 in an even-numbered year. The term of the

1 student member of the Board of Regents of the University of Wisconsin System who  
 2 is at least 24 years old shall expire on May 1 of every even-numbered year. The terms  
 3 of the members of the Milwaukee County mental health board appointed under s.  
 4 15.195 (9) (b) 2., 4., and 6, shall expire on May 1 of an even-numbered year. ✓

5 SECTION 3. 15.07 (3) (bm) 7. of the statutes is created to read:

6 15.07 (3) (bm) 7. The Milwaukee County mental health board shall meet 4  
 7 times each year and may meet at other times on the call of the chairperson or a  
 8 majority of the board's members.

9 SECTION 4. 15.195 (9) of the statutes is created to read:

10 15.195 (9) MILWAUKEE COUNTY MENTAL HEALTH BOARD. (a) There is created a  
 11 Milwaukee County mental health board, which is attached to the department of  
 12 health services under s. 15.03.

13 (b) Subject to par. 6, the board shall consist of the following 7 members  
 14 appointed for 4-year terms: <sup>d</sup> except for the members under subds. 10. and 11. <sup>voting</sup>

15 1. A psychiatrist or psychologist who is suggested by the Milwaukee County  
 16 board of supervisors. The Milwaukee County board of supervisors shall solicit  
 17 suggestions for psychiatrists and psychologists from organizations including the  
 18 Wisconsin Medical Society <sup>and</sup> the Wisconsin Psychological Association <sup>for children</sup> <sup>for</sup>  
 19 individuals who specialize in a full continuum of behavioral health services. The  
 20 Milwaukee County board of supervisors shall suggest to the governor 4 psychiatrists  
 21 and psychologists for this board membership position.

22 3-22 2 A representative of the community <sup>who is a consumer of mental health services and</sup> who is suggested by the Milwaukee  
 23 County board of supervisors. The <sup>chairperson of the</sup> Milwaukee County board of  
 24 supervisors shall solicit suggestions for consumers, advocates, or family members of  
 25 individuals experiencing mental illness from organizations including the Milwaukee

who have experienced

or substance abuse

Warm lines  
the

the  
medical  
Society  
of  
Milwaukee

and the Wisconsin  
Association of Family and  
Children's Agencies

and Milwaukee Co-occurring  
Competency Cadre

1 Mental Health Task Force { The Milwaukee County board of supervisors shall  
2 suggest to the governor 4 representatives of the community for this board  
3 membership position.

4 4 e (3) A medical director who is suggested by the Milwaukee County executive.

5 The Milwaukee County executive shall solicit suggestions from organizations  
6 including the Wisconsin Hospitals Association for physicians <sup>individuals</sup> who specialize in a full  
7 continuum of behavioral health and medical services including emergency  
8 detention, inpatient, residential, transitional, partial hospitalization, intensive  
9 outpatient, and wraparound community-based services. The Milwaukee County  
10 executive shall suggest to the governor 4 medical directors for this board  
11 membership position.

<sup>the Wisconsin County Human Services Association</sup>  
<sup>and the Public Policy Forum</sup>

12 5 e (4) An individual specializing in finance and administration who is suggested

13 by the Milwaukee County executive. The Milwaukee County executive shall solicit

14 suggestions from organizations including the Wisconsin Hospitals Association for

15 individuals with experience in analyzing healthcare operating expenses, revenues,

16 and reimbursement and expertise in financial restructuring for sustainability. The

17 Milwaukee County executive shall suggest to the governor 4 individuals specializing

18 in finance and administration for this board membership position.

19 7 e (5) An individual with legal expertise. The governor shall solicit suggestions

20 from organizations including the Legal Aid Society of Milwaukee or Legal Action

21 Wisconsin for 4 individuals who have legal expertise specializing in emergency

22 detention regulatory requirements including policies, procedures, provider

23 responsibilities, and patient rights. <sup>Community Justice Counsel; and</sup>

24 8 e (6) An individual representing <sup>Disability Rights Wisconsin</sup> mental health service providers. The governor

25 shall solicit suggestions from organizations including the <sup>Community Justice</sup>

healthcare  
provider

community-based

Milwaukee Health Care Partnership, the Milwaukee Mental Health Task Force, and the Milwaukee Co-occurring Competency Care

1 Counsel for 4 individuals representing mental health service providers including  
2 judges, lawyers, crisis intervention team police officers, and other service providers.

3 10 7. An employee of the department of health services who has direct knowledge  
4 of funding and systems, oversees the state mental health institutes, and is the official  
5 contact for the federal government on behavioral health issues or, if this individual  
6 is unavailable to serve on the board, the secretary of the department of health  
7 services or his or her designee. as designated by the secretary of the department of health services

8 (c) 1. The members under par. (b) may not have been employees or contractors  
9 of Milwaukee County at the time of or any time in the 12 months before nomination.  
No member of the board be an

\*\*\*\*NOTE: Does the restriction on contractors eliminate too many mental health experts in the area near Milwaukee County?

\*\*\*\*NOTE: Since the members of the board are nominated by the governor, they may already be included in the ethics provisions of chapter 19 for state public officials. I will confirm this and apply the ethics provisions to the members of the board if they do not apply already.

10 5 2. No member of the board may directly or indirectly solicit or receive  
11 subscriptions or contributions for any partisan political party or any political  
12 purpose while appointed to the board. No member of the board, and no nominee for  
13 the board in the 12 months before nomination, may engage in any form of political  
14 activity calculated to favor or improve the chances of any political party or any person  
15 seeking or attempting to hold partisan office. No member of the board, and no  
16 nominee for the board in the 12 months before nomination, may hold an elected office.

17 Any violation of this subdivision is adequate grounds for dismissal.

18 SECTION 5. 20.435 (5) (kf) of the statutes is created to read:

19 20.435 (5) (kf) *Milwaukee County mental health board.* All moneys received  
20 under s. 51.41 (5) (b) for the Milwaukee County mental health board.

21 SECTION 6. 46.031 (2) of the statutes is amended to read:

general  
program  
operations  
of

mental health systems

Insert  
5-3

Insert  
5-8

No member  
of the  
board  
maybe  
a lobbyist,  
as  
defined  
in  
S.  
3.62(1)

Insert  
5-18

1           46.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed  
2 budget to the county executive or county administrator or the county board or the  
3 Milwaukee County mental health board, the county departments listed in sub. (1)  
4 shall assess needs and inventory resources and services, using an open public  
5 participation process. in Milwaukee County for matters related to mental health

6           SECTION 7. 46.031 (2g) (a) of the statutes is amended to read:

7           46.031 (2g) (a) The department shall annually submit to the county board of  
8 supervisors in a county with a single-county department, the Milwaukee County  
9 mental health board, or the county boards of supervisors in counties with a  
10 multicounty department a proposed written contract containing the allocation of  
11 funds and such administrative requirements as necessary. The contract as approved  
12 may contain conditions of participation consistent with federal and state law. The  
13 contract may also include provisions necessary to ensure uniform cost accounting of  
14 services. Any changes to the proposed contract shall be mutually agreed upon. The  
15 county board of supervisors in a county with a single-county department, the  
16 Milwaukee County mental health board, in Milwaukee County for matters related to  
17 or the county boards of supervisors in mental  
18 health  
19 county board of supervisors in a county with a single-county department, the  
20 Milwaukee County mental health board, in Milwaukee County  
21 or the county boards of supervisors in  
22 counties with a multicounty department may designate an agent to approve addenda  
23 to any contract after the contract has been approved.

23           SECTION 8. 46.031 (2g) (b) of the statutes is amended to read:

24           46.031 (2g) (b) The department may not approve contracts for amounts in  
25 excess of available revenues. The county board of supervisors in a county with a

in Milwaukee County for matters related to  
mental health

1 single-county department, the Milwaukee County mental health board, or the  
2 county boards of supervisors in counties with a multicounty department may  
3 appropriate funds not used to match state funds under ss. 46.495 (1) (d) and 51.423.  
4 Actual expenditure of county funds shall be reported in compliance with procedures  
5 developed by the department, and shall comply with standards guaranteeing quality  
6 of care comparable to similar facilities.

7 **SECTION 9.** 46.031 (2r) (b) of the statutes is amended to read:

8 46.031 (2r) (b) If the department withholds a portion of the allocable  
9 appropriation under par. (a), the county department affected by the action of the  
10 department may submit to the county board of supervisors in a county with a  
11 single-county department or to its designated agent, to the Milwaukee County  
12 mental health board if related to mental health in Milwaukee County or to the county boards of supervisors in counties with a  
13 multicounty department or their designated agents a plan to rectify the deficiency  
14 found by the department. The county board of supervisors or its designated agent  
15 in a county with a single-county department, the Milwaukee County mental health  
16 board if related to mental health or the county boards of supervisors in counties with a multicounty department  
17 or their designated agents may approve or amend the plan and may submit for  
18 departmental approval the plan as adopted. If a multicounty department is  
19 administering a program, the plan may not be submitted unless each county board  
20 of supervisors which participated in the establishment of the multicounty  
21 department, or its designated agent, adopts it.

22 **SECTION 10.** 46.031 (3) (a) of the statutes is amended to read:

23 46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the  
24 county board of supervisors of each county, the Milwaukee County mental health  
25 board, as applicable, or the county boards of supervisors of 2 or more counties jointly

1 shall establish a citizen advisory committee to the county departments under ss.  
2 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall advise  
3 in the formulation of the budget under sub. (1). Membership on the committee shall  
4 be determined by the county board of supervisors in a county with a single-county  
5 committee, the Milwaukee County mental health board, as applicable, or by the  
6 county boards of supervisors in counties with a multicounty committee and shall  
7 include representatives of those persons receiving services, providers of service and  
8 citizens. A majority of the members of the committee shall be citizen and service  
9 consumers. The committee's membership may not consist of more than 25% county  
10 supervisors, nor of more than 20% service providers. The chairperson of the  
11 committee shall be appointed by the county board of supervisors establishing it or  
12 by the Milwaukee County mental health board, if it establishes the committee. In  
13 the case of a multicounty committee, the chairperson shall be nominated by the  
14 committee and approved by the county boards of supervisors establishing it. The  
15 county board of supervisors in a county with a single-county committee or the county  
16 boards of supervisors in counties with a multicounty committee may designate an  
17 agent to determine the membership of the committee and to appoint the committee  
18 chairperson or approve the nominee.

19 **SECTION 11.** 46.031 (3) (b) of the statutes is amended to read:

20 46.031 (3) (b) *Alternate process.* The county board of supervisors, the  
21 Milwaukee County mental health board, or the boards of 2 or more counties acting  
22 jointly may submit a report to the department on the open public participation  
23 process used under sub. (2). The county board of supervisors or the Milwaukee  
24 County mental health board may designate an agent, or the boards of 2 or more  
25 counties acting jointly may designate an agent, to submit the report. If the

1 department approves the report, establishment of a citizen advisory committee  
2 under par. (a) is not required.

3 **SECTION 12.** 46.031 (3) (c) of the statutes is amended to read:

4 46.031 (3) (c) *Yearly report.* The county board of supervisors or its designated  
5 agent, the Milwaukee County mental health board or the boards of 2 or more  
6 counties acting jointly or their designated agent, shall submit to the department a  
7 list of members of the citizen advisory committee under par. (a) or a report on the  
8 open public participation process under par. (b) on or before July 1 of each year.

9 **SECTION 13.** 46.034 (3) of the statutes is amended to read:

10 46.034 (3) With the agreement of the affected county board of supervisors in  
11 a county with a single-county department, the Milwaukee County mental health  
12 board, or boards of supervisors in counties with a multicounty department, effective  
13 for the contract period beginning January 1, 1980, the department may approve a  
14 county with a single-county department or counties participating in a multicounty  
15 department to administer a single consolidated aid consisting of the state and federal  
16 financial aid available to that county or those counties from appropriations under s.  
17 20.435 (7) (b) and (o) for services provided and purchased by county departments  
18 under ss. 46.215, 46.22, 46.23, 51.42, and 51.437. Under such an agreement, in the  
19 interest of improved service coordination and effectiveness, the county board of  
20 supervisors in a county with a single-county department, the Milwaukee County  
21 mental health board, as applicable, or county boards of supervisors in counties with  
22 a multicounty department may reallocate among county departments under ss.  
23 46.215, 46.22, 46.23, 51.42, and 51.437 funds that otherwise would be specified for  
24 use by a single county department. The budget under s. 46.031 (1) shall be the  
25 vehicle for expressing the proposed use of the single consolidated fund by the county

as applicable

board of supervisors in a county with a single-county department, the Milwaukee County mental health board, or county boards of supervisors in counties with a multicounty department. Approval by the department of this use of the fund shall be in the contract under s. 46.031 (2g). Counties that were selected by the department to pilot test consolidated aids for contract periods beginning January 1, 1978, may continue or terminate consolidation with the agreement of the affected county board of supervisors in a county with a single-county department, the Milwaukee County mental health board, or county boards of supervisors in counties with a multicounty department.

\*\*\*\*NOTE: This provision refers to agreements. I am unsure whether the board will be able to enter into agreements on its own but will check into this.

SECTION 14. 46.175 of the statutes is amended to read:

**46.175 County institutions: minimum standards.** Notwithstanding any for institutions providing mental health treatment other provision of law, any county currently operating an institution established treatment under s. 49.70, 49.71, 49.72, 51.08 or 51.09 may, by resolution of the county board or, in Milwaukee County, the Milwaukee County mental health board, designate such institution or distinct part of such institution as a facility to be operated under s. 50.02, 50.03 or 50.33. Any county institution or part thereof, where so designated, shall be required to meet those licensure standards established by the department for the type of facility designated by the county. Any designation under this section may be made only if such designation will not result in any additional cost to the state.

SECTION 15. 46.18 (1) of the statutes is amended to read:

46.18 (1) TRUSTEES. Every county home, infirmary, hospital, or similar institution, shall, subject to regulations approved by the county board except or, in

for county homes, infirmaries, hospitals,  
or institutions providing mental health treatment

1 Milwaukee County the Milwaukee County mental health board, be managed by a  
2 board of trustees, electors of the county, chosen by ballot by the county board. At its  
3 annual meeting, the county board or the Milwaukee County mental health board, if  
4 applicable, shall appoint an uneven number of trustees, from 3 to 9 at the option of  
5 the board, for staggered 3-year terms ending the first Monday in January. Any  
6 vacancy shall be filled for the unexpired term by the county board or the Milwaukee  
7 County mental health board; as applicable but the chairperson of the county board may appoint  
8 a trustee to fill the vacancy until the county board acts except in Milwaukee County  
9 appointed by the Milwaukee County mental health board for which  
10 a trustee to fill the vacancy until the entire Milwaukee County mental health board  
11 acts.

12 **SECTION 16.** 46.18 (3) of the statutes is amended to read:

13 46.18 (3) REMOVAL OF TRUSTEE. Any trustee may be removed from office for  
14 misconduct or neglect, by a two-thirds vote of the county board or of the Milwaukee  
15 County mental health board if applicable, on due notice in writing and hearing of  
16 the charges against the trustee.

17 **SECTION 17.** 46.18 (4) of the statutes is amended to read:

18 46.18 (4) OATH OF OFFICE, BOND, EXPENSES, PAY. Each trustee shall take and file  
19 the official oath and execute and file an official bond to the county, in the amount  
20 determined by the county board, or the Milwaukee County mental health board, and  
21 the sufficiency of the sureties shall be approved by the chairperson of the board. Each  
22 trustee shall be reimbursed for traveling expenses necessarily incurred in the  
23 discharge of the duties, and shall receive the compensation fixed by the county board  
24 or the Milwaukee County mental health board, unless otherwise provided by law.

25 **SECTION 18.** 46.18 (11) of the statutes is amended to read:

as applicable

1 46.18 (11) COUNTY APPROPRIATION. The county board or, in Milwaukee County,  
2 the Milwaukee County mental health board shall annually appropriate for operation  
3 and maintenance of each such institution not less than the amount of state aid  
4 estimated by the trustees to accrue to said institution; or such lesser sum as may be  
5 estimated by the trustees to be necessary for operation and maintenance.

6 SECTION 19. 46.18 (12) of the statutes is amended to read:

7 46.18 (12) ADDITIONAL DUTIES. The county board or the Milwaukee County  
8 mental health board <sup>^</sup> as applicable <sup>^</sup> may provide that the trustees and superintendent  
9 of any institution shall be the trustees and superintendent of any other institution.

10 SECTION 20. 46.18 (13) of the statutes is amended to read:

11 46.18 (13) BUILDING RESERVE FUND. The Except in Milwaukee County, the  
12 county board shall maintain as a segregated cash reserve an annual charge of 2% of  
13 the original cost of new construction or purchase or of the appraised value of existing  
14 infirmary structures and equipment. In Milwaukee County, the Milwaukee County  
15 mental health board, for mental health infirmary structures and equipment, shall  
16 require the county board to maintain <sup>ensure the maintenance</sup> as a segregated cash reserve <sup>of</sup> an annual charge  
17 of 2 percent of the original cost of new construction or purchase or of the appraised  
18 value of existing mental health infirmary structures and equipment. If the infirmary  
19 or any of its equipment is replaced, any net cost of replacement in excess of the  
20 original cost is subject to an annual charge of 2%. No contributions to the cash  
21 reserve in excess of the amount required under this subsection may be included in  
22 the calculation under s. 49.726 (1). The county board <sup>except the Milwaukee County</sup> may from time to time <sup>board</sup>  
23 appropriate from such reserve sums to be expended solely for the enlargement,  
24 modernization or replacement of such infirmary and its equipment. In Milwaukee  
25 County, the county board may only appropriate from reserve sums for mental health

Milwaukee County mental health board  
may require to be appropriated

1 infirmaries to be expended for the enlargement, modernization, or replacement of a  
2 mental health infirmary and its equipment upon the request of the Milwaukee  
3 County mental health board.

4 **SECTION 21.** 46.18 (14) of the statutes is amended to read:

5 46.18 (14) INCENTIVE PAYMENTS TO PATIENTS IN MENTAL HOSPITALS. The county  
6 board or, in Milwaukee County, the Milwaukee County mental health board may  
7 authorize the board of trustees of any county mental hospital to establish a program  
8 of incentive payments so as to provide incentive and encouragement to patients by  
9 the disbursement of small weekly payments but not restricted to work allowances.  
10 Incentive payments paid to inmates shall not be included as costs in arriving at the  
11 per capita rate for state aids or charges to other counties and the state for care of  
12 inmates. ~~In counties having a population of 500,000 or more the county board of~~  
13 ~~supervisors may establish a similar program.~~

14 **SECTION 22.** 46.18 (15) of the statutes is amended to read:

15 46.18 (15) JOINT OPERATION OF HEALTH-RELATED SERVICE. If the county board of  
16 supervisors, or the Milwaukee County mental health board, <sup>AS</sup> ~~if~~ applicable, so  
17 authorizes, the trustees of the county hospital may, together with a private or public  
18 organization or affiliation, organize, establish and participate in the governance and  
19 operation of an entity to operate, wholly or in part, any health-related service, may  
20 participate in the financing of the entity and may provide administrative and  
21 financial services or resources for its operation on terms prescribed by the county  
22 board of supervisors or the Milwaukee County mental health board, ~~if~~ applicable.

23 **SECTION 23.** 46.19 (4) of the statutes is amended to read:

1 46.19 (4) The salaries of the superintendent, visiting physician and all  
2 necessary additional officers and employees shall be fixed by the county board or, if  
3 applicable, the Milwaukee County mental health board.

4 (4) SECTION 24. 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g),  
5 (3r), (4m) (a) and (b) and (6) of the statutes are amended to read:

6 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance  
7 and improvement of the county hospital; the detention center; the probation section  
8 of the children's court center; the provision and maintenance of the physical facilities  
9 for the children's court and its intake section under the supervision and operation  
10 of the judges assigned to exercise jurisdiction under chs. 48 and 938 and as provided  
11 in s. 938.06 (1); ~~the mental health complex~~; the county department of human  
12 services; the central service departments; and all buildings and land used in  
13 connection with any institution under this section except a mental health  
14 institution. The powers and duties of the county board of supervisors are policy  
15 forming only, and not administrative or executive. The county board of supervisors  
16 may not form policies regarding mental health or mental health institutions,

17 programs, or services. The Milwaukee County mental health board Shall adopt

18 the policies under this paragraph regarding mental health and mental health institution  
19 of the director that are for \$50,000 or more, except that the county board of  
20 supervisors may not exercise approval or disapproval power over any personal  
21 service contract or over any contract or purchase of the director that relates to  
22 community living arrangements, adult family homes, or foster homes and that was  
23 entered into pursuant to a contract under s. 46.031 (2g) or 301.031 (2g), regardless  
24 of whether the contract mentions the provider, except as provided in par. (m). The  
25 county board of supervisors may not exercise approval or disapproval power over any

Programs  
and  
Services

1 contract relating to mental health or mental health institutions, programs, or  
2 services. This paragraph does not preclude the county board of supervisors from  
3 creating a central purchasing department for all county purchases that are not  
4 related to mental health.

5 (k) Shall make sufficient appropriation annually for the support, maintenance,  
6 salaries, repairs and improvements to the county department of human services and  
7 the institutions, except for mental health institutions. The appropriations shall be  
8 used subject to the order of the director or administrator and as the policies adopted  
9 by the county board of supervisors provide. The director or administrator may not  
10 incur any expense or contract for new buildings, additions to present buildings or the  
11 purchase of land until the county board of supervisors, or the Milwaukee County  
12 mental health board, <sup>or as</sup> if applicable, has appropriated or provided for the money to  
13 defray such expense.

14 (m) May establish and maintain in connection with such county hospital, an  
15 emergency unit or department for the treatment, subject to such rules as may be  
16 prescribed by the county board of supervisors, of persons in the county who may meet  
17 with accidents or be suddenly afflicted with illness not contagious; provided that  
18 medical care and treatment shall only be furnished in such unit or department until  
19 such time as the patient may be safely removed to another hospital or to his or her  
20 place of abode, or regularly admitted to the county hospital. The county board of  
21 supervisors may also contract with any private hospital or nonprofit hospital within  
22 the county for the use of its facilities and for medical service to be furnished by a  
23 licensed physician or physicians to patients who require emergency medical  
24 treatment or first aid as a result of any accident, injury or sudden affliction of illness  
25 occurring within the county, except that reasonable compensation may only be

1 authorized until the patient is regularly admitted as an inpatient or safely removed  
2 to another hospital or to his place of abode. In this paragraph, "hospital" includes,  
3 without limitation due to enumeration, public health centers, medical facilities and  
4 general, tuberculosis, ~~mental~~, chronic disease and other types of hospitals and  
5 related facilities, such as laboratories, outpatient departments, nurses' home and  
6 training facilities, and central service facilities operated in connection with  
7 hospitals. In this paragraph, "hospital" does not include any hospital furnishing  
8 primarily domiciliary care. In this paragraph "nonprofit hospital" means any  
9 hospital owned and operated by a corporation or association, no part of the net  
10 earnings of which inures, or may lawfully inure, to the benefit of any private  
11 shareholder or individual.

12 (q) May, together with a private or public organization or affiliation, organize,  
13 establish and participate in the governance and operation of an entity to operate,  
14 wholly or in part, any health-related service except a mental health-related service,  
15 may participate in the financing of the entity and may provide administrative and  
16 financial services or resources for its operation on terms prescribed by the county  
17 board of supervisors. *Insert 16-17*

18 (2m) (a) *Creation.* The management, operation, maintenance and  
19 improvement of human services in a county with a population of 500,000 750,000 or

20 more is vested in a county department of human services under the jurisdiction, as  
21 to policy, of the county board of supervisors or the Milwaukee County mental health  
22 board (as to mental health policy). The county department of human services shall

23 consist of the director appointed under sub. (1m), any division administrator  
24 appointed under sub. (4) or S. 51.41(8) and necessary personnel appointed by the director or  
25 appointed by a division administrator and approved by the director.

1 (b) 1. (intro.) The county board of supervisors or, in matters related to mental  
2 health, the Milwaukee County mental health board may transfer the powers and  
3 duties of any human services program under the control of the county and shall  
4 transfer all of the following to the county department of human services:

5 (3) POWERS AND DUTIES OF THE DIRECTOR. All of the administrative and executive  
6 powers and duties of managing, operating, maintaining and improving the county  
7 department of human services and other institutions and departments that the  
8 county board of supervisors or, in matters of mental health, the Milwaukee County  
9 mental health board may place under the jurisdiction of the director are vested in the  
10 director, subject to the policies and in accordance with the principles adopted by the  
11 county board of supervisors or, in matters of mental health, the Milwaukee County  
12 health board.

13 (3g) POWERS AND DUTIES OF THE ADMINISTRATOR. All of the administrative and  
14 executive powers and duties of managing, operating, maintaining and improving the  
15 county hospital and other institutions and departments that the county board of  
16 supervisors or, in matters of mental health, the Milwaukee County mental health  
17 board may place under the jurisdiction of the administrator are vested in the  
18 administrator, subject to the policies and in accordance with the principles adopted  
19 by the county board of supervisors or, in matters of mental health, the Milwaukee  
20 County mental health board.

21 (3r) OTHER POWERS AND DUTIES. The county board of supervisors or, in matters  
22 of mental health, the Milwaukee County mental health board may place under the  
23 jurisdiction of county entities not specified under this section the administrative and  
24 executive powers and duties of managing, operating, maintaining and improving  
25 institutions and departments or other responsibilities that are specified in sub. (2),

Insert 18-3

including functions related to the central service departments and buildings and land used in connection with any institution under sub. (2).

(4m) (a) The county hospitals and county sanatoriums of a county with a population of ~~500,000~~ 750,000 or more shall be devoted to hospital service and the treatment of patients upon such terms and conditions as the county board of supervisors or, in matters of mental health, the Milwaukee County mental health board establishes. The hospitals and sanatoriums may be utilized for instruction of medical students, physicians and nurses and for scientific and clinical research that will promote the welfare of the patients and assist the application of science to the alleviation of human suffering.

(b) Professional staff responsible for the care of patients under this subsection may submit bills for professional services under policies adopted by the county board of supervisors or under mental health policies adopted by the Milwaukee County mental health board.

(6) REPORTS; EXPENDITURES. The director and the administrator shall submit annually to the county board of supervisors, or to the Milwaukee County mental health board in matters of mental health, reports, including itemized statements of receipts and disbursements, at the times and in the manner that the county board of supervisors or Milwaukee County mental health board specifies and as are required to comply with applicable federal statutes and regulations and state statutes and rules. Disbursements shall be made in the manner that the county board of supervisors or Milwaukee County mental health board, as applicable, adopts, consistent with sound accounting and auditing procedure and with applicable federal statutes and regulations, state statutes and rules and requirements of the county auditor and county department of administration.

in Milwaukee County

1       **SECTION 25.** 46.56 (1) (a) of the statutes is amended to read:

2       46.56 (1) (a) "Administering agency" means a department designated by a  
3       county board of supervisors, in Milwaukee County by the Milwaukee County mental  
4       health board, or by a tribe to administer an initiative.

5       **SECTION 26.** 46.56 (2) (a) of the statutes, as affected by 2013 Wisconsin Act 20,  
6       is amended to read:

7       46.56 (2) (a) Except as provided in par. (b), if a county board of supervisors or  
8       the Milwaukee County mental health board establishes an initiative under s. 59.53  
9       (7) or if a tribe establishes an initiative, the county board, Milwaukee County mental  
10      health board, or tribe shall appoint a coordinating committee and designate an  
11      administering agency. The initiative may be funded by the county or tribe or the  
12      county board of supervisors, Milwaukee County mental health board, or tribe may  
13      apply for funding by the state in accordance with sub. (15).

14      **SECTION 27.** 46.56 (2) (b) of the statutes, as created by 2013 Wisconsin Act 20,  
15      is amended to read:

16      46.56 (2) (b) A county may enter into an agreement with one or more other  
17      counties or tribes to establish an initiative and a tribe may enter into an agreement  
18      with one or more counties or tribes to establish an initiative. The parties to the  
19      agreement shall designate in the agreement a single lead administrative county or  
20      lead administrative tribe. The county board of the lead administrative county, the  
21      Milwaukee County mental health board, if Milwaukee County is the lead  
22      administrative county, or the lead administrative tribe shall appoint a coordinating  
23      committee and designate an administering agency. The initiative may be funded by  
24      the participating entities, or the county board of supervisors of the lead  
25      administrative county, the Milwaukee County mental health board, if Milwaukee

1 County is the lead administrative county, or the lead administrative tribe may apply  
2 for funding by the state in accordance with sub. (15).

3 **SECTION 28.** 46.56 (3) (b) 11. of the statutes is amended to read:

4 46.56 (3) (b) 11. Representatives of the county board or, in Milwaukee County,  
5 the Milwaukee County mental health board or, for an initiative established by a  
6 tribe, representatives of the elected governing body of the tribe.

7 **SECTION 29.** 46.56 (4) (d) of the statutes, as affected by 2013 Wisconsin Act 20,  
8 is amended to read:

9 46.56 (4) (d) If the county board of supervisors, Milwaukee County mental  
10 health board, or tribe or a multi-entity initiative decides to seek state funding under  
11 sub. (15), develop the application in cooperation with the coordinating committee.

12 **SECTION 30.** 46.56 (15) (b) (intro.) of the statutes, as affected by 2013 Wisconsin  
13 Act 20, is amended to read:

14 46.56 (15) (b) (intro.) In order to apply for funds under this subsection, the  
15 county board of supervisors, Milwaukee County mental health board, or tribe or, for  
16 a multi-entity initiative, the county board of the lead administrative county, the  
17 Milwaukee County mental health board, if Milwaukee County is the lead  
18 administrative county, or the lead administrative tribe shall do all of the following:

19 **SECTION 31.** 46.87 (3) (a) of the statutes is amended to read:

20 46.87 (3) (a) A county board or the Milwaukee County mental health board may  
21 apply to initially participate in the program created under this section by submitting  
22 to the department a one-time letter of intent to participate which includes a  
23 description of the program and services related to Alzheimer's disease which the  
24 county board or the Milwaukee County mental health board intends to provide.

25 **SECTION 32.** 46.87 (3) (c) (intro.) of the statutes is amended to read:

Insert  
20-25

1           46.87 (3) (c) (intro.) The county board for each county selected to participate,  
2           or the Milwaukee County mental health board if Milwaukee County is selected to  
3           participate, shall designate one of the following as the administering agency for the  
4           program:

5           **SECTION 33.** 46.87 (4) of the statutes is amended to read:

6           46.87 (4) If a county board does not submit an application under sub. (3) (a) by  
7           January 1, 1986, the department shall make that county's allocation available to a  
8           private nonprofit organization, as defined under s. 108.02 (19), to administer the  
9           program created under this section and shall select the organization according to  
10          criteria promulgated by rule. An organization selected as the administering agency  
11          under this subsection shall continue to be eligible to receive the county's allocation  
12          unless the county board or the Milwaukee County mental health board subsequently  
13          submits to the department a letter of intent to participate and receives approval of  
14          its proposed program.

15          **SECTION 34.** 46.87 (7) (intro.) of the statutes is amended to read:

16          46.87 (7) (intro.) The county board or the Milwaukee County mental health  
17          board shall notify the department if any of the following occurs:

18          **SECTION 35.** 46.87 (7) (b) of the statutes is amended to read:

19          46.87 (7) (b) The county board or the Milwaukee County mental health board  
20          intends to terminate participation in the program.

21          **SECTION 36.** 46.87 (7) (c) of the statutes is amended to read:

22          46.87 (7) (c) The county's program and services related to Alzheimer's disease  
23          contain a substantial difference, as defined by rule, from the description of the  
24          county's program and services contained in the county board's or the Milwaukee

Insert 22-3

1 County mental health board's letter of intent most recently submitted to the  
2 department under sub. (3) (a).

3 **SECTION 37.** 51.20 (18) (a) of the statutes is amended to read:

4 51.20 (18) (a) Unless previously fixed by the county board of supervisors or the  
5 Milwaukee County mental health board in the county in which the examination is  
6 held, the examiners shall receive a fee as fixed by the court for participation in  
7 commitment proceedings, and reasonable reimbursement for travel expenses.

8 **SECTION 38.** 51.41 of the statutes is created to read:

9 **51.41 Milwaukee County mental health; Milwaukee County mental**  
10 **health board.**

11 (1) DUTIES OF THE BOARD. The Milwaukee County mental health board shall do  
12 all of the following:

13 (a) Oversee the provision of mental health programs and services in Milwaukee  
14 County.

15 (b) Allocate moneys for mental health functions, programs, and services in  
16 Milwaukee County within the budget amount set in sub. (3) (a).

17 (c) Make the final determination on mental health policy in Milwaukee County.

18 (d) Replace the Milwaukee County board of supervisors in all mental health  
19 functions that are typically performed by a county board of supervisors.

20 (e) Facilitate delivery of mental health services in an efficient and effective  
21 manner by making a commitment to all of the following:

22 1. Community-based, recovery-oriented, mental health systems.

23 2. Maximizing comprehensive community-based services.

24 3. Prioritizing access to community-based services and reducing reliance on  
25 institutional and inpatient care.

person-centered

1 4. Protecting the personal liberty of individuals experiencing mental illness so  
2 that they may be treated in the least restrictive environment to the greatest extent  
3 possible.

4 5. Providing early intervention to minimize the length and depth of psychotic  
5 and other mental health episodes.

6 6. Diverting people experiencing mental illness from the corrections system  
7 when appropriate.

8 7. Maximizing use of mobile crisis units and crisis intervention training.

9 (2) POWERS OF THE BOARD. The Milwaukee County mental health board shall  
10 have all the powers necessary or convenient to carry out the purposes and provisions  
11 of this section and the duties assigned to the Milwaukee County mental health board  
12 under the statutes. In addition to all other powers granted by this section and the  
13 statutes, the Milwaukee County mental health board may request information from  
14 the Milwaukee Mental Health Complex, a county department under s. 46.21<sup>or</sup> 51.42<sup>or</sup>  
15 or 51.437, or any other Milwaukee County governmental unit that possesses mental  
16 health information in order to fulfill its duties of overseeing mental health functions,  
17 programs, and services in Milwaukee County.

INSERT Y

18 (3) MILWAUKEE COUNTY MENTAL HEALTH BUDGET. (a) The Milwaukee County  
19 board of supervisors shall incorporate into the budget for Milwaukee County for a  
20 fiscal year a total amount of funding for mental health functions, services, and  
21 ~~the base budget amount of \$177,425,000~~ except in fiscal years when the base budget  
programs that is equal to one of the following: is adjusted by any

22 1. For fiscal year 2015, \$177,425,000.

23 2. For each fiscal year following fiscal year 2015, the amount determined under  
24 this paragraph for the previous fiscal year, adjusted to reflect one of the following:

Insert  
23-22  
  
Insert  
23-23

1 a. Unless subd. 2. b. applies, the percentage change in the consumer price index  
2 for all urban consumers, U.S. city average, as determined by the U.S. department of  
3 labor, during the calendar year preceding the fiscal year for which the budget is being  
4 determined.

5 b. If the percentage change described in subd. 2. a. is positive and if there was  
6 a smaller positive percentage change in the property tax levy for Milwaukee County  
7 between the 2 calendar years preceding the fiscal year for which the budget is being  
8 determined, that smaller positive percentage change.

9 (b) The Milwaukee County board of supervisors may not in any fiscal year  
10 provide funding for and the Milwaukee County executive may not in any fiscal year  
11 approve funding for mental health functions, services, and programs that is less than  
12 or more than the <sup>total</sup> amount specified under par. (a) for that fiscal year.

Insert 24-13  
\*\*\*\*NOTE: The reference to the tax levy may need to be changed. I need to speak to a tax drafter. Indexing the budget amount for inflation is problematic as the tax levy does not increase at nearly the same rate as inflation. There is a danger that the mental health budget may begin to consume other portions of the budget. There is no way under this calculation for the county or the Milwaukee County mental health board to reduce the budget amount, which means there is no incentive to be financially efficient.

13 (4) JURISDICTION OF MILWAUKEE COUNTY BOARD. (a) The Milwaukee County  
14 board of supervisors has no jurisdiction over any mental health policy, functions,  
15 programs, or services. The Milwaukee County board of supervisors may not create  
16 new mental health functions, programs, or services that are under the jurisdiction  
17 of the board of supervisors. Any dispute between the Milwaukee County board of  
18 supervisors and the Milwaukee County mental health board over whether a  
19 function, program, or service is a mental health function, program, or service under  
20 the jurisdiction of the Milwaukee County mental health board shall be resolved by  
21 the secretary of health services.

(b) The Milwaukee County mental health board may transfer jurisdiction over a Milwaukee County function, service, or program to itself that pertains to mental health or is highly integrated with mental health services and that is not under its jurisdiction by statute or by agreement with the Milwaukee County board of supervisors, by an affirmative vote of <sup>8</sup> (5) of the <sup>voting</sup> (7) Milwaukee County mental health board members if the secretary of health services approves the transfer.

(5) PAYMENT OF BOARD EXPENDITURES. (a) The Milwaukee County board of supervisors and the department shall enter an agreement for the payment of expenses of the Milwaukee County mental health board.

(b) The Milwaukee County board of supervisors shall arrange for the payment of expenses <sup>total</sup> from the budget amount under sub. (3)(a) according to the agreement under par. (a). All payments shall be credited to the appropriation account under s. 20.435 (5) (kf).

(6) COUNTY DEPARTMENT REQUIREMENTS. (a) A county department under s. 46.21, <sup>or</sup> 51.42, or 51.437 in Milwaukee County may not impede the Milwaukee County mental health board in performing its duties under this section or exercising its powers under this section.

(b) A county department under s. 46.21, <sup>or</sup> 51.42, or 51.437 in Milwaukee County shall respond to any requests for information from the Milwaukee County mental health board. <sup>STUDIES</sup> (a) Milwaukee County executive, the Milwaukee County board of supervisors, and the

(7) REPORTING. By March 1, 2015, and annually by March 1 thereafter, the Milwaukee County mental health board shall submit to the department a report including a description of the funding allocations for Milwaukee County's mental health functions, services, and programs and a description of any improvements and efficiencies in those mental health functions, programs, and services.

The department shall provide access to the report under this subsection to the public including posting the report on the department's Internet site.

Insert 26-1

1 x (8) AUDIT. (a) Notwithstanding s. 13.94 (1) (m), beginning July 1, 2016, the  
2 legislative audit bureau shall perform a financial and performance evaluation audit  
3 of the Milwaukee County mental health board and of mental health functions,  
4 programs, and services in Milwaukee County that includes all of the following:

5 1. A review of the effectiveness of the Milwaukee County mental health board  
6 and the nature and effectiveness of new policies implemented under the Milwaukee  
7 County mental health board in providing mental health services in Milwaukee  
8 County.

9 2. A review of the expenditures of the Milwaukee County mental health board  
10 including expenditures for administrative support for and reimbursement for  
11 members of the Milwaukee County mental health board.

12 3. A review of Milwaukee County's expenditures for mental health functions,  
13 programs, and services in the period after the formation of the Milwaukee County  
14 mental health board.

\*\*\*\*NOTE: Please specify what you want included in the audit performed by the  
Legislative Audit Bureau.

15 (b) The department under s. 51.42 in Milwaukee County, the Milwaukee  
16 Mental Health Complex, and any other department or division of Milwaukee County  
17 government that has information relevant to the audit under par. (a) shall provide  
18 access to that information to the legislative audit bureau and shall cooperate with  
19 the audit.

20 (c) Within 30 days after completion of the audit under par. (a), the legislative  
21 audit bureau shall submit a detailed report of the audit to the appropriate standing  
22 committee in each house of the legislature under s. 13.172 (3) and to the department.

(d) The legislative audit bureau may charge the department of health services for the cost of the audit required to be performed under par. (a). The department may include reimbursement for the cost of the audit in the agreement under sub. (5) (a).

SECTION 39. 51.42 (1) (b) of the statutes is amended to read:

51.42 (1) (b) *County liability*. The county board of supervisors <sup>except in</sup> ~~or, in Milwaukee County, (the Milwaukee County mental health board)~~ has the primary responsibility for the well-being, treatment and care of the mentally ill, developmentally disabled, alcoholic and other drug dependent citizens residing within its county and for ensuring that those individuals in need of such emergency services found within its county receive immediate emergency services. <sup>In 27-16</sup> This primary responsibility is limited to the programs, services and resources that the county board of supervisors, or, as applicable, the Milwaukee County mental health board, is reasonably able to provide within the limits of available state and federal funds and of county funds required to be appropriated to match state funds. County liability for care and services purchased through or provided by a county department of community programs established under this section shall be based upon the client's county of residence except for emergency services for which liability shall be placed with the county in which the individual is found. For the purpose of establishing county liability, "emergency services" includes those services provided under the authority of s. 55.05 (4), 2003 stats., or s. 55.06 (11) (a), 2003 stats., or s. 51.15, 51.45 (11) (a) or (b) or (12), 55.13, or 55.135 for not more than 72 hours. Nothing in this paragraph prevents recovery of liability under s. 46.10 or any other statute creating liability upon the individual receiving a service or any other designated responsible party, or prevents reimbursement by the department of health services for the actual cost of all care and services from the appropriation under s. 20.435 (7) (da), as provided in s. 51.22 (3).

1           **SECTION 40.** 51.42 (3) (a) of the statutes is amended to read:

2           51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county  
3 board of supervisors of any county except Milwaukee County, the Milwaukee County  
4 mental health board, or the county boards of supervisors of 2 or more counties, shall  
5 establish a county department of community programs on a single-county or  
6 multicounty basis to administer a community mental health, developmental  
7 disabilities, alcoholism and drug abuse program, make appropriations to operate the  
8 program and authorize the county department of community programs to apply for  
9 grants-in-aid under s. 51.423. The county department of community programs shall  
10 consist of a county community programs board, a county community programs  
11 director and necessary personnel.

12           **SECTION 41.** 51.42 (3) (ar) 3. of the statutes is amended to read:

13           51.42 (3) (ar) 3. Plan for and establish a community developmental disabilities  
14 program to deliver the services required under s. 51.437 if, under s. 51.437 (4g) (b),  
15 the county board of supervisors in a county with a single-county department of  
16 community programs, the Milwaukee County mental health board, or the county  
17 boards of supervisors in counties with a multicounty department of community  
18 programs transfer the powers and duties of the county department under s. 51.437  
19 to the county department of community programs. The county board of supervisors  
20 in a county with a single-county department of community programs, the  
21 Milwaukee County mental health board, and the county boards of supervisors in  
22 counties with a multicounty department of community programs may designate the  
23 county department of community programs to which these powers and duties have  
24 been transferred as the administrative agency of the long-term support community

1 options program under s. 46.27 (3) (b) 1. and 5. and the community integration  
2 programs under ss. 46.275, 46.277 and 46.278.

3 **SECTION 42.** 51.42 (3) (ar) 8. of the statutes is amended to read:

4 51.42 (3) (ar) 8. By September 30, submit for inclusion as part of the proposed  
5 county budget to the Milwaukee County mental health board in Milwaukee County,  
6 to the county executive or county administrator, or, in those counties without a  
7 county executive or county administrator, directly to the county board of supervisors  
8 in a county with a single-county department of community programs or the county  
9 boards of supervisors in counties with a multicounty department of community  
10 programs a proposed budget for the succeeding calendar year covering services,  
11 including active treatment community mental health center services, based on the  
12 plan required under subd. 5. The final budget shall be submitted to the department  
13 of health services.

14 **SECTION 43.** 51.42 (3) (ar) 14. of the statutes is amended to read:

15 51.42 (3) (ar) 14. If the county board of supervisors or, as applicable, the  
16 Milwaukee County mental health board establishes an initiative to provide  
17 coordinated services under s. 59.53 (7), participate in and may administer the  
18 initiative, including entering into any written interagency agreements or contracts.

19 **SECTION 44.** 51.42 (3) (b) of the statutes is amended to read:

20 51.42 (3) (b) *Other powers and duties.* The county board of supervisors of any  
21 county with a single-county department of community programs, the Milwaukee  
22 County mental health board, and the county boards of supervisors of counties with  
23 a multicounty department of community programs may designate the county  
24 department of community programs as the administrator of any other county health

1 care program or institution, but the operation of such program or institution is not  
2 reimbursable under s. 51.423.

3 **SECTION 45.** 51.42 (4) (a) 1. (intro.) of the statutes is amended to read:

4 51.42 (4) (a) 1. (intro.) Except as provided under subd. 2., the county board of  
5 supervisors of every county with a single-county department of community  
6 programs except Milwaukee County, the Milwaukee County mental health board, or  
7 the county boards of supervisors in counties with a multicounty department of  
8 community programs shall, before qualification under this section, appoint a  
9 governing and policy-making board to be known as the county community programs  
10 board. A county community programs board appointed under this subdivision shall  
11 govern the single-county or multicounty department of community programs and  
12 shall assume all of the powers and duties of the county department of community  
13 programs under sub. (3) (ar) to (bm). A member of a county community programs  
14 board appointed under this subdivision may be removed from office under the  
15 following circumstances:

16 **SECTION 46.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

17 51.42 (4) (a) 1. a. For cause, by a two-thirds vote of each county board of  
18 supervisors participating in the appointment or the Milwaukee County mental  
19 health board, on due notice in writing and hearing of the charges against the  
20 member. as applicable

21 **SECTION 47.** 51.42 (4) (a) 2. (intro.) of the statutes is amended to read:

22 51.42 (4) (a) 2. (intro.) In any county with a county executive or county  
23 administrator and which has established a single-county department of community  
24 programs, the county executive or county administrator shall appoint, subject to  
25 confirmation by the county board of supervisors or the Milwaukee County mental

Milwaukee County mental health board in Milwaukee County  
or the

1 health board, the county community programs board, which shall be only a  
2 policy-making body determining the broad outlines and principles governing the  
3 administration of programs under this section. A member of a county community  
4 programs board appointed under this subdivision may be removed by the county  
5 executive or county administrator under the following circumstances:

6 **SECTION 48.** 51.42 (4) (b) 1. of the statutes is amended to read:

7 51.42 (4) (b) 1. In a single-county department of community programs the  
8 county community programs board shall be composed of not less than 9 nor more  
9 than 15 persons of recognized ability and demonstrated interest in the problems of  
10 the mentally ill, developmentally disabled, alcoholic or drug dependent persons and  
11 shall have representation from the interest group of the mentally ill, the interest  
12 group of the developmentally disabled, the interest group of the alcoholic and the  
13 interest group of the drug dependent. At least one member appointed to a county  
14 community programs board shall be an individual who receives or has received  
15 services for mental illness, developmental disability, alcoholism or drug dependency  
16 or shall be a family member of such an individual. No more than 5 members may be  
17 appointed from the county board of supervisors. In Milwaukee County, the  
18 Milwaukee County mental health board shall make the appointments.

19 **SECTION 49.** 51.42 (5) (a) 4. of the statutes is amended to read:

20 51.42 (5) (a) 4. Appoint a county community programs director, subject to the  
21 approval of each county board of supervisors which participated in the appointment  
22 of the county community programs board or the approval of the Milwaukee County  
23 mental health board, on the basis of recognized and demonstrated interest in and  
24 knowledge of the problems of mental health, developmental disability, alcoholism  
25 and drug addiction, with due regard to training, experience, executive and

1 administrative ability, and general qualification and fitness for the performance of  
2 the duties of the county community programs director under sub. (6). The county  
3 board of supervisors in a county with a single-county department of community  
4 programs, the Milwaukee County mental health board, or the county boards of  
5 supervisors in counties with a multicounty department of community programs may  
6 delegate this appointing authority to the county community programs board.

7 **SECTION 50.** 51.42 (5) (a) 5. of the statutes is amended to read:

8 51.42 (5) (a) 5. Fix the salaries of the employees of the county department of  
9 community programs, subject to the approval of each county board of supervisors  
10 which participated in the appointment of the county community programs board or  
11 the approval of the Milwaukee County mental health board unless such county board  
12 of supervisors or the Milwaukee County mental health board elects not to review the  
13 salaries.

14 **SECTION 51.** 51.42 (5) (a) 6. of the statutes is amended to read:

15 51.42 (5) (a) 6. Prepare a proposed budget for submission to the county board  
16 or the Milwaukee County mental health board, as applicable, and a final budget for  
17 submission to the department of health services in accordance with s. 46.031 (1).

18 **SECTION 52.** 51.42 (5) (a) 12. of the statutes is amended to read:

19 51.42 (5) (a) 12. Determine, subject to the approval of the county board of  
20 supervisors in a county with a single-county department of community programs,  
21 the Milwaukee County mental health board, or the county boards of supervisors in  
22 counties with a multicounty department of community programs and with the advice  
23 of the county community programs director appointed under subd. 4., whether  
24 services are to be provided directly by the county department of community  
25 programs or contracted for with other providers and make such contracts. The

1 county board of supervisors in a county with a single-county department of  
2 community programs, the Milwaukee County mental health board, or the county  
3 boards of supervisors in counties with a multicounty department of community  
4 programs may elect to require the approval of any such contract by the county board  
5 of supervisors in a county with a single-county department of community programs,  
6 the Milwaukee County mental health board, or the county boards of supervisors in  
7 counties with a multicounty department of community programs.

8 **SECTION 53.** 51.42 (5) (b) (intro.) of the statutes is amended to read:

9 51.42 (5) (b) (intro.) Subject to the approval of the county board of supervisors  
10 in a county with a single-county department of community programs, the  
11 Milwaukee County mental health board, or the county boards of supervisors in  
12 counties with a multicounty department of community programs and with the advice  
13 of the county community programs director appointed under par. (a) 4., a county  
14 community programs board appointed under sub. (4) (a) 1. may, together with a  
15 private or public organization or affiliation, do all of the following:

16 **SECTION 54.** 51.42 (5) (b) 3. of the statutes is amended to read:

17 51.42 (5) (b) 3. Provide administrative and financial services or resources for  
18 operation of the entity under subd. 1. on terms prescribed by the county board of  
19 supervisors or the Milwaukee County mental health board.

20 **SECTION 55.** 51.42 (6) (d) of the statutes is amended to read:

21 51.42 (6) (d) Prepare other reports as are required by the secretary and the  
22 county board of supervisors in a county with a single-county department of  
23 community programs, the Milwaukee County mental health board, or the county  
24 boards of supervisors in counties with a multicounty department of community  
25 programs.

1           **SECTION 56.** 51.42 (6m) (intro.) of the statutes is amended to read:

2           **51.42 (6m)** COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A  
3 COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county  
4 executive or county administrator in which the county board of supervisors or the  
5 Milwaukee County mental health board has established a single-county department  
6 of community programs, the county executive or county administrator shall appoint  
7 and supervise the county community programs director. In any county with a  
8 population of 500,000 750,000 or more, the county executive or county administrator  
9 shall appoint the director of the county department of human services under s. 46.21  
10 as the county community programs director. The appointment of a county  
11 community programs director under this subsection shall be on the basis of  
12 recognized and demonstrated interest in and knowledge of the problems of mental  
13 health, intellectual disability, alcoholism and drug addiction, with due regard to  
14 training, experience, executive and administrative ability, and general qualification  
15 and fitness for the performance of the duties of the director. The appointment of a  
16 county community programs director under this subsection is subject to  
17 confirmation by the county board of supervisors <sup>except in Milwaukee County</sup> unless the county board of  
18 supervisors, by ordinance, elects to waive confirmation or unless the appointment is  
19 made under a civil service system competitive examination procedure established  
20 under s. 59.52 (8) or ch. 63. The county community programs director, subject only  
21 to the supervision of the county executive or county administrator, shall:

22           **SECTION 57.** 51.42 (6m) (c) of the statutes is amended to read:

23           **51.42 (6m)** (c) Determine, subject to the approval of the county board of  
24 supervisors or the Milwaukee County mental health board, as applicable, and with  
25 the advice of the county community programs board, whether services are to be

except in Milwaukee County

1 provided directly by the county department of community programs or contracted for  
2 with other providers and make such contracts. The county board of supervisors or  
3 the Milwaukee County mental health board may elect to require the approval of any  
4 such contract by the county board of supervisors or the Milwaukee County mental  
5 health board.

6 **SECTION 58.** 51.42 (6m) (i) of the statutes is amended to read:

7 51.42 (6m) (i) Establish salaries and personnel policies of the programs of the  
8 county department of community programs subject to approval of the county  
9 executive or county administrator and county board of supervisors or the Milwaukee  
10 County mental health board unless the county board of supervisors or the Milwaukee  
11 County mental health board elects not to review the salaries and personnel policies.

12 **SECTION 59.** 51.42 (6m) (m) 3. of the statutes is amended to read:

13 51.42 (6m) (m) 3. Such other reports as are required by the secretary and the  
14 county board of supervisors or, as applicable, the Milwaukee County mental health  
15 board.

16 **SECTION 60.** 51.423 (11) of the statutes is amended to read:

17 51.423 (11) Each county department under s. 51.42 or 51.437, or both, shall  
18 apply all funds it receives under subs. (1) to (7) to provide the services required under  
19 ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and  
20 accessibility of the persons in its jurisdiction, except that the county department may  
21 pay for inpatient treatment only with funds designated by the department for  
22 inpatient treatment. The county department may expand programs and services  
23 with county funds not used to match state funds under this section subject to the  
24 approval of the county board of supervisors in a county with a single-county  
25 department, the Milwaukee County mental health board, or the county boards of

except Milwaukee County

in Milwaukee County

1 supervisors in counties with multicounty departments and with other local or  
2 private funds subject to the approval of the department and the county board of  
3 supervisors in a county with a single-county department under s. 51.42 or 51.437,  
4 the Milwaukee County mental health board with a department under s. 51.42 or  
5 51.437 or the county boards of supervisors in counties with a multicounty  
6 department under s. 51.42 or 51.437. The county board of supervisors in a county  
7 with a single-county department under s. 51.42 or 51.437, the Milwaukee County  
8 mental health board with a department under s. 51.42 or 51.437, or the county  
9 boards of supervisors in counties with a multicounty department under s. 51.42 or  
10 51.437 may delegate the authority to expand programs and services to the county  
11 department under s. 51.42 or 51.437. The county department under s. 51.42 or  
12 51.437 shall report to the department all county funds allocated to the county  
13 department under s. 51.42 or 51.437 and the use of such funds. Moneys collected  
14 under s. 46.10 shall be applied to cover the costs of primary services, exceptional and  
15 specialized services or to reimburse supplemental appropriations funded by  
16 counties. County departments under ss. 51.42 and 51.437 shall include collections  
17 made on and after October 1, 1978, by the department that are subject to s. 46.10 (8m)  
18 (a) 3. and 4. and are distributed to county departments under ss. 51.42 and 51.437  
19 from the appropriation account under s. 20.435 (5) (gg), as revenues on their  
20 grant-in-aid expenditure reports to the department.

21 **SECTION 61.** 51.437 (4) (a) of the statutes is amended to read:

22 51.437 (4) (a) ~~The county board of supervisors, or in Milwaukee County, the~~  
23 Milwaukee County mental health board, has the primary governmental  
24 responsibility for the well-being of those developmentally disabled citizens residing  
25 within its county and the families of the developmentally disabled insofar as the

1 usual resultant family stresses bear on the well-being of the developmentally  
2 disabled citizen. This primary governmental responsibility is limited to the  
3 programs, services and resources that the county board of supervisors or the  
4 Milwaukee County mental health board is reasonably able to provide within the  
5 limits of available state and federal funds and of county funds required to be  
6 appropriated to match state funds.

7 **SECTION 62.** 51.437 (4g) (a) of the statutes is amended to read:

8 51.437 (4g) (a) Except as provided under par. (b) and ss. 46.21 (2m) (b) and  
9 46.23 (3) (b), every county board of supervisors except in Milwaukee County and the  
10 Milwaukee County mental health board in Milwaukee County shall establish a  
11 county department of developmental disabilities services on a single-county or  
12 multicounty basis to furnish services within its county. Counties lacking the  
13 financial resources and professional personnel needed to provide or secure such  
14 services on a single-county basis may combine their energies and financial resources  
15 to provide these joint services and facilities with the approval of the department of  
16 health services. The county department of developmental disabilities services shall  
17 consist of a county developmental disabilities services board, a county  
18 developmental disabilities services director and necessary personnel.

19 **SECTION 63.** 51.437 (4g) (b) of the statutes is amended to read:

20 51.437 (4g) (b) A county board of supervisors or the Milwaukee County mental  
21 health board may transfer the powers and duties of a county department of  
22 developmental disabilities services under this section to a county department under  
23 s. 51.42, which shall act under s. 51.42 (3) (ar) 3.

24 **SECTION 64.** 51.437 (4g) (c) of the statutes is amended to read:

1           51.437 (4g) (c) In a county with a population of ~~500,000~~ 750,000 or more, the  
2 ~~county board of supervisors~~ Milwaukee County mental health board shall integrate  
3 day care programs for persons with an intellectual disability and those programs for  
4 persons with other developmental disabilities into the county developmental  
5 disabilities program.

6           **SECTION 65.** 51.437 (4m) (j) of the statutes is amended to read:

7           51.437 (4m) (j) By September 30, submit for inclusion as part of the proposed  
8 county budget to the county executive or county administrator, to the Milwaukee  
9 County mental health board in Milwaukee County, or, in those counties without a  
10 county executive or county administrator, directly to the county board of supervisors  
11 in a county with a single-county department of developmental disabilities services  
12 or the county boards of supervisors in counties with a multicounty department of  
13 developmental disabilities services a proposed budget for the succeeding calendar  
14 year covering services, including active treatment community mental health center  
15 services, based on the plan required under s. 51.42 (3) (ar) 5. The final budget shall  
16 be submitted to the department of health services.

17           **SECTION 66.** 51.437 (4m) (m) of the statutes is amended to read:

18           51.437 (4m) (m) If the county board of supervisors or the Milwaukee County  
19 mental health board establishes an initiative to provide coordinated services under  
20 s. 59.53 (7), participate in the initiative, including entering into any written  
21 interagency agreements or contracts.

22           **SECTION 67.** 51.437 (4r) (a) 3. of the statutes is amended to read:

23           51.437 (4r) (a) 3. May administer an initiative to provide coordinated services  
24 under s. 59.53 (7), if the county board of supervisors or the Milwaukee County mental  
25 health board establishes the initiative.

1       **SECTION 68.** 51.437 (7) (a) 1. of the statutes is amended to read:

2       51.437 (7) (a) 1. Except as provided under subd. 2., the county board of  
3 supervisors in a county with a single-county department of developmental  
4 disabilities services, the Milwaukee County mental health board, or the county  
5 boards of supervisors in counties with a multicounty department of developmental  
6 disabilities services shall, before qualification under this section, appoint a county  
7 developmental disabilities services board. A county developmental disabilities  
8 services board appointed under this subdivision shall govern the single-county or  
9 multicounty department of developmental disabilities services. A member of a  
10 county developmental disabilities services board appointed under this subdivision  
11 may be removed from office for cause by a two-thirds vote of the appointing  
12 authority, on due notice in writing and hearing of the charges against the member.

13       **SECTION 69.** 51.437 (7) (a) 2. of the statutes is amended to read:

14       51.437 (7) (a) 2. In any county with a county executive or county administrator  
15 and which has established a single-county department of developmental disabilities  
16 services, the county executive or county administrator shall appoint, subject to  
17 confirmation by the county board of supervisors or the Milwaukee County mental  
18 health board as applicable, the county developmental disabilities services board,  
19 which shall be only a policy-making body determining the broad outlines and  
20 principles governing the administration of programs under this section. A member  
21 of the county developmental disabilities services board appointed under this  
22 subdivision may be removed by the county executive or county administrator for  
23 cause.

24       **SECTION 70.** 51.437 (9) (a) of the statutes is amended to read:

1       51.437 (9) (a) Appoint a county developmental disabilities services director,  
2 subject to the approval of each county board of supervisors which participated in the  
3 appointment of the county developmental disabilities services board or the  
4 Milwaukee County mental health board, establish salaries and personnel policies for  
5 the county department of developmental disabilities services subject to the approval  
6 of each such county board of supervisors or the Milwaukee County mental health  
7 board and arrange and promote local financial support for the program. Each county  
8 board of supervisors in a county with a single-county department of developmental  
9 disabilities services, the Milwaukee County mental health board, or the county  
10 boards of supervisors in counties with a multicounty department of developmental  
11 disabilities services may delegate such appointing authority to the county  
12 developmental disabilities services board.

13       **SECTION 71.** 51.437 (9) (g) of the statutes is amended to read:

14       51.437 (9) (g) Determine, subject to the approval of the county board of  
15 supervisors in a county with a single-county department of developmental  
16 disabilities services, the Milwaukee County mental health board, or the county  
17 boards of supervisors in counties with a multicounty department of developmental  
18 disabilities services and with the advice of the county developmental disabilities  
19 services director appointed under par. (a), whether services are to be provided  
20 directly by the county department of developmental disabilities services or  
21 contracted for with other providers and make such contracts. The county board of  
22 supervisors in a county with a single-county department of developmental  
23 disabilities services, the Milwaukee County mental health board in Milwaukee  
24 County, or the county boards of supervisors in counties with a multicounty  
25 department of developmental disabilities services may elect to require the approval

1 of any such contract by the county board of supervisors in a county with a  
2 single-county department of developmental disabilities services, the Milwaukee  
3 County mental health board in Milwaukee County, or the county boards of  
4 supervisors in counties with a multicounty department of developmental disabilities  
5 services.

6 **SECTION 72.** 51.437 (10) (ar) 3. of the statutes is amended to read:

7 51.437 (10) (ar) 3. Such other reports as are required by the department of  
8 health services and the county board of supervisors in a county with a single-county  
9 department of developmental disabilities services, the Milwaukee County mental  
10 health board in Milwaukee County, or the county boards of supervisors in counties  
11 with a multicounty department of developmental disabilities services.

12 **SECTION 73.** 51.437 (10m) (intro.) of the statutes is amended to read:

13 51.437 (10m) COUNTY DEVELOPMENTAL DISABILITIES SERVICES DIRECTOR IN CERTAIN  
14 COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county  
15 with a county executive or a county administrator in which the county board of  
16 supervisors or the Milwaukee County mental health board has established a  
17 single-county department of developmental disabilities services, the county  
18 executive or county administrator shall appoint and supervise the county  
19 developmental disabilities services director. In any county with a population of  
20 ~~500,000~~ 750,000 or more, the county executive or county administrator shall appoint  
21 the director of the county department of human services under s. ~~46.21~~ as the county  
22 developmental disabilities services director. The appointment is subject to  
23 confirmation by the Milwaukee County mental health board in Milwaukee County  
24 or the county board of supervisors unless the county board of supervisors, by  
25 ordinance, elects to waive confirmation or unless the appointment is made under a

1 civil service system competitive examination procedure established under s. 59.52  
2 (8) or ch. 63. The county developmental disabilities services director, subject only to  
3 the supervision of the county executive or county administrator, shall:

4 **SECTION 74.** 51.437 (10m) (c) of the statutes is amended to read:

5 51.437 (10m) (c) Determine, subject to the approval of the county board of  
6 supervisors or the Milwaukee County mental health board and with the advice of the  
7 county developmental disabilities services board under sub. (9b) (e), whether  
8 services are to be provided directly by the county department of developmental  
9 disabilities services or contracted for with other providers and make such contracts.  
10 The county board of supervisors or the Milwaukee County mental health board may  
11 elect to require the approval of any such contract by the county board of supervisors  
12 or the Milwaukee County mental health board.

13 **SECTION 75.** 51.437 (10m) (i) of the statutes is amended to read:

14 51.437 (10m) (i) Establish salaries and personnel policies of the program  
15 subject to approval of the county executive or county administrator and county board  
16 of supervisors or the Milwaukee County mental health board, as applicable.

17 **SECTION 76.** 51.437 (10m) (n) 3. of the statutes is amended to read:

18 51.437 (10m) (n) 3. Such other reports as are required by the department of  
19 health services, the Milwaukee County mental health board where applicable, and  
20 the county board of supervisors.

21 **SECTION 77.** 51.44 (4) of the statutes is amended to read:

22 51.44 (4) Each county board of supervisors and the Milwaukee County mental  
23 health board shall designate the appropriate county department under s. 46.21,  
24 46.23 or 51.437, the local health department of the county or another entity as the

in Milwaukee County

except in Milwaukee County

1 local lead agency to provide early intervention services under the funding specified  
2 in sub. (3).

3 **SECTION 78.** 51.61 (1) (e) of the statutes is amended to read:

4 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under  
5 s. 51.35 (3) or 51.37 or under ch. 971 or 975, have the right to the least restrictive  
6 conditions necessary to achieve the purposes of admission, commitment or protective  
7 placement, under programs, services and resources that the county board of  
8 supervisors or the Milwaukee County mental health board is reasonably able to  
9 provide within the limits of available state and federal funds and of county funds  
10 required to be appropriated to match state funds.

*as applicable;*

11 **SECTION 79.** 51.61 (1) (f) of the statutes is amended to read:

12 51.61 (1) (f) Have a right to receive prompt and adequate treatment,  
13 rehabilitation and educational services appropriate for his or her condition, under  
14 programs, services and resources that the county board of supervisors or the  
15 Milwaukee County mental health board is reasonably able to provide within the  
16 limits of available state and federal funds and of county funds required to be  
17 appropriated to match state funds.

*as applicable;*

18 **SECTION 80.** 55.001 of the statutes is amended to read:

19 **55.001 Declaration of policy.** The legislature recognizes that many citizens  
20 of the state, because of serious and persistent mental illness, degenerative brain  
21 disorder, developmental disabilities, or other like incapacities, are in need of  
22 protective services or protective placement. Except as provided in s. 49.45 (30m) (a),  
23 the protective services or protective placement should, to the maximum degree of  
24 feasibility under programs, services and resources that the county board of  
25 supervisors or the Milwaukee County mental health board is reasonably able to

*as applicable;*

1 provide within the limits of available state and federal funds and of county funds  
2 required to be appropriated to match state funds, allow the individual the same  
3 rights as other citizens, and at the same time protect the individual from financial  
4 exploitation, abuse, neglect, and self-neglect. This chapter is designed to establish  
5 those protective services and protective placements, to assure their availability to all  
6 individuals when in need of them, and to place the least possible restriction on  
7 personal liberty and exercise of constitutional rights consistent with due process and  
8 protection from abuse, financial exploitation, neglect, and self-neglect.

9 **SECTION 81.** 59.53 (7) of the statutes is amended to read:

10 59.53 (7) INITIATIVE TO PROVIDE COORDINATED SERVICES. The Except in  
11 Milwaukee County, the board may establish an initiative to provide coordinated  
12 services under s. 46.56.

13 **SECTION 82.** 59.53 (25) of the statutes is created to read:

14 59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board  
15 has no jurisdiction <sup>e</sup>to act in matters of mental health functions, programs, and  
16 services. <sup>e</sup>and may not take any actions, including under ss.  
17 59.52(6) and (31), 59.794, and 66.0607(2), related to  
18 **SECTION 83. Nonstatutory provisions.** 66.0301

18 (1) INITIAL TERMS OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.

19 Notwithstanding the length of terms for the members of the Milwaukee County  
20 mental health board specified in sections 15.07 (1) (cm) and 15.195 (9) of the statutes  
21 the initial members, other than the member <sup>S</sup>approved under section 15.195 (9) (b)  
22 <sup>e 10. and 11.</sup> (7) of the statutes, as created by this act, shall be appointed for the following terms:

23 (a) <sup>Three</sup> The members <sup>A</sup>specified under section 15.195 (9) (b) 1., 3., and 5. of the  
24 statutes, as created by this act, for terms that expire on May 1, 2019.

<sup>e 6</sup>  
as designated by the governor

Three ^ as designated by the governor ^

1 (b) The members specified under section 15.195 (9) (b) 2., 4., and 6. of the  
2 statutes, as created by this act, for terms that expire on May 1, 2018.

3

(END)

Insert 45-3

\*\*\*\*NOTE: This provision mirrors the language in s. 59.52 (31) (b) 1., which was created in 2013 Wisconsin Act 14.

(END INSERT 26-1)

1 INSERT 27-10

2 *not*

2 In Milwaukee County, the Milwaukee County mental health board has the  
3 primary responsibility for the well-being, treatment and care of the mentally ill,  
4 alcoholic, and other drug dependent citizens residing within Milwaukee County and  
5 for ensuring that those individuals in need of such emergency services found within  
6 Milwaukee County receive immediate emergency services. The county board of  
7 supervisors of Milwaukee County has the primary responsibility for the well-being,  
8 treatment, and care of the developmentally disabled citizens residing <sup>a within</sup> in Milwaukee  
9 County, except where the responsibility is delegated explicitly to the Milwaukee  
10 County mental health board, and for ensuring that developmentally disabled  
11 individuals in need of such emergency services found within Milwaukee County  
12 receive immediate emergency services.

(END INSERT 27-10)

*under this section*

13 INSERT 45-3

14 (c) Three members, as designated by the governor, specified under section  
15 15.195 (9) (b) of the statutes, as created by this act, for terms that expire on May 1,  
16 2018.

17 (d) The members specified under section 15.195 (9) (c) of the statutes, as created  
18 by this act, for terms that expire on May 1, 2017.

19 (2) PROVISIONAL APPOINTMENTS TO THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.

20 (a) Notwithstanding section 15.07 (1) (b) 24. of the statutes, within 60 days after the  
21 effective date of this act, the governor shall provisionally appoint initial members of

*create a.r. X*

*as created by this act*

*LPS: these need to be auto numbers/auto letters - please fix*

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3513/P3ins

TJD:.....

SA ✓  
1


**INSERT ANALYSIS**

This bill creates the Milwaukee County <sup>M</sup>mental <sup>H</sup>health <sup>B</sup>board (MCMHB) attached to the Department of Health Services (DHS) for limited purposes. The MCMHB is comprised of 11 voting and 2 non-voting members nominated by the governor and with advice and consent of the senate appointed to serve for ~~4~~<sup>four</sup>-year terms. The bill specifies a procedures for suggesting individuals for nominations and creates limitations on those who may serve as a member of the MCMHB and also sets criteria for removal of MCMHB members. The Milwaukee County board of supervisors (county board) must arrange for payment from the Milwaukee County mental health budget of expenses of the MCMHB under an agreement between the Milwaukee County board and DHS.

✓  
✓  
✓  
✓  
✓  
The bill requires the MCMHB to fulfill duties including the following: overseeing the provision of mental health programs and services in Milwaukee County; making the final determination on mental health policy in Milwaukee County; replacing the Milwaukee County board of supervisors (county board) in all mental health functions typically performed by a county board; and attempting to achieve costs savings in the provision of mental health programs and services in Milwaukee County. The MCMHB must facilitate delivery of mental health services in an efficient and effective manner by committing to community-based, person-centered, recovery-oriented, mental health systems; maximizing comprehensive community-based services; prioritizing access to community-based services and reducing reliance on institutional and inpatient care; protecting the personal liberty of individuals experiencing mental illness so that they may be treated in the least restrictive environment to the greatest extent possible; providing early intervention to minimize the length and depth of psychotic and other mental health episodes; diverting people experiencing mental illness from the corrections system when appropriate; and maximizing use of mobile crisis units and crisis intervention training. Under the bill, any contract related to mental health with a value of at least \$100,000, to which Milwaukee County is a party, may take effect only if the MCMHB does not vote to reject the contract within 14 days after the contract is signed or countersigned by the county executive.

9  
Under the bill, the MCMHB must allocate moneys for mental health functions, programs, and services in Milwaukee County within a budget amount which is incorporated into the Milwaukee County budget by the county board. The base budget amount for each fiscal year is \$177,425,000. If in the fiscal year previous to the fiscal year for which the budget is being determined, the county treasurer is holding unexpended moneys that had been appropriated for mental health functions, programs, and services in a mental health reserve fund, the base budget amount for that fiscal year is decreased by the amount held in the mental health reserve fund. The moneys in the mental health reserve fund may be expended in any fiscal year only for mental health functions, programs, and services in Milwaukee County. If there are no moneys in the mental health reserve fund, the MCMHB requests a mental health budget increase from the county executive and the

← INSERT X

  
Milwaukee County executive approves the mental health budget increase, the base budget may be increased. The amount of this increase reflects either the percentage change in a certain consumer price index during the calendar year preceding the fiscal year for which the budget is being determined or, a positive percentage change in the property tax levy between the two calendar years preceding the fiscal year for which the budget is being determined if the percentage change in the consumer price index is positive and there is a smaller positive change in the property tax levy. If the MCMHB is transferred jurisdiction of a function, service, or program, under a procedure specified in the bill, that it did not have jurisdiction over initially, the base budget amount may be increased in a fiscal year, and each subsequent fiscal year, by the amount expended by Milwaukee County on that function, service, or program in the fiscal year before the fiscal year in which the function, program, or service is transferred. Under the bill, the Milwaukee County board may not provide funding and the Milwaukee County executive may not approve funding, in any fiscal year, for mental health functions, services, and programs and is less than or more than the budget amount calculated by methods specified under the bill.

The bill removes the jurisdiction over any mental health policy, functions, programs, or services, from the Milwaukee County board. The bill prohibits the Milwaukee County board from creating new mental health functions, programs, or services that are under its jurisdiction. Disputes between the Milwaukee County board and the MCMHB over whether a function, program, or service is a mental health function, program, or service are resolved by the secretary of DHS.

Under the bill, the Milwaukee County executive must nominate an individual to be the administrator of any division of the county department of human services that administers behavioral health for Milwaukee County. The administrator may be hired only upon approval of the MCMHB. The Milwaukee County executive determines the salary and benefits and job duties of this administrator, but the county executive may not assign the administrator any duties that are not related to mental health functions, programs, and services in Milwaukee County. The administrator may be removed by the MCMHB on its own by a vote of 8 of the members or, if the Milwaukee County executive has recommended removal, by a vote of 6 members of the MCMHB. The bill prohibits the Milwaukee County board from hiring, removing, or disciplining, setting the salary or benefits of, or assigning or removing job duties of this administrator.

Under current law, a county board has the primary responsibility for the well-being, treatment, and care of the mentally ill, developmentally disabled, alcoholic, and other drug dependent citizens residing within its county and for ensuring that those individuals in need of such emergency services found within its county receive immediate emergency services. The primary responsibility is limited, under current law, to the programs, services, and resources that the county board is reasonably able to provide within the limits of available state and federal funds and of county funds required to be appropriated to match state funds. Under the bill, in Milwaukee County, the MCMHB has primary responsibility for the well-being, treatment, and care of the mentally ill, alcoholic, and other drug dependent citizens residing within Milwaukee County and for ensuring that those individuals in need

of such emergency services found within Milwaukee County receive emergency services. Under the bill, the Milwaukee County board retains the primary responsibility for the well-being, treatment, and care of developmentally disabled citizens residing in Milwaukee County, except where the responsibility is delegated explicitly to the MCMHB.

Under current mental health-related statutes, the county board has certain powers and duties. The bill makes changes to some powers and duties of the county board including the following:

1. Under current law, county departments of community programs among others, submit budget for services first to DHS. DHS submits a model of the contract containing the allocation of funds to the county board, which must approve the contract. Currently, the county board may appropriate moneys not used to match state funds. The bill requires the department to submit contracts related to mental health in Milwaukee County to the MCMHB.

2. Current law allows DHS to withhold a portion of the appropriation allocated to certain county departments, including the county department of community programs, for certain reasons, including duplicative services, inconsistency with federal statutes or regulations, and inconsistency with the contract with the county department. Under current law the county department affected by the withholding of the appropriation, may submit to the county board a plan to rectify the deficiency that prompted the withholding. The county board may approve or amend the plan and submit the plan to DHS. Under the bill, if the withholding is related to mental health in Milwaukee County, the county department submits the report to the MCMHB and the MCMHB approves or amends the plan for submittal to DHS.

3. Under current law the county board of supervisors must establish a citizen advisory committee to the county departments, including the county department of community programs, which advises the county department in the formation of the budget. The county board determines membership on the board, which must include representatives of persons receiving services, providers of services, and citizens, and selects the chairperson of the committee. Under current law, the establishment of a citizen advisory committee is not required if the if the county board of supervisors submits a report to DHS on the open public participation process it used to obtain advice on the budget. Under the bill, the MCMHB takes the actions of the county board of supervisors, as applicable, in either the establishment of the citizen advisory committee or the alternate open public participation report.

4. Under current law, every county home, infirmary, hospital, or similar institution must, subject to regulations approved by the county board, be managed by a board of trustees chosen by ballot by the county board. Current law specifies how the county board selects the trustees, fills vacancies on the board of trustees, removes trustees, and sets other requirements relates to those trustees. The bill substitutes the MCMHB for the county board of supervisors in appointment, removal, and other requirements for trustees of county homes, infirmaries, hospitals, and similar institutions that provide mental health treatment in Milwaukee County.

related

5. Under current law, a county board must maintain a segregated cash reserve of an annual charge of 2 percent of the original cost of new construction or purchase or of the appraised value of existing infirmity structures and equipment. Under the bill, the MCMHB must ensure the maintenance of such a reserve for mental health infirmity structures and equipment in Milwaukee County.

6. Current law vests the management, operation, maintenance and improvement of human services in Milwaukee County with a county department of human services under the jurisdiction, as to policy, of the county board. The bill assigns the jurisdiction of the Milwaukee County department of human services, as to mental health policy, to the Milwaukee County mental health board.

7. The bill removes from the Milwaukee County board of supervisors and assigns to the Milwaukee County mental health board certain powers and duties including the following: the duty to adopt policies regarding mental health and mental health institutions, programs, and services; the power to approve or disapprove contracts relating to mental health and mental health institutions, programs, and services; and the power to transfer any mental health-related human services program and the duty to transfer certain duties such as the management, operating, maintenance and improvement of the county mental health complex to the county department of human services.

8. Under current law, the director and administrator of the Milwaukee County department of human services must submit certain annual reports to the county board. The bill requires reports on matters of mental health to be sent to the MCMHB. Disbursements applicable to mental health must be made in the manner that the MCMHB, instead of the Milwaukee County board, adopts.

9. Under current law, a county board of supervisors has powers and duties related to initiatives to provide coordinated services for children and families. The bill substitutes, in Milwaukee County, the MCMHB for the county board in those powers and duties.

10. Under current law, a county board may apply to initially participate in the Alzheimer's family and caregiver support program. The bill allows the MCMHB to apply. If Milwaukee County is selected to participate, the MCMHB, instead of the Milwaukee County board, must designate an agency to participate.

11. The bill requires the MCMHB, instead of the county board, to establish a county department of community programs to administer a community mental health, developmental disabilities, alcoholism and drug abuse program, make appropriations to operate the program, and authorize the county department of community programs to apply for grants-in-aid. The bill gives to the MCMHB, instead of the county board, authority of approval of the appointment by the Milwaukee County executive of the county community programs board, which is a policy-making body. The bill allows the MCMHB to exercise certain powers and requires the MCMHB to perform duties that would normally be exercised or performed by the county board related to the county department of community programs and the county community programs board.

12. The bill requires the MCMHB, instead of the county board, to designate the appropriate county department, the local health department of the county, or another entity as the local lead agency to provide early intervention services

The bill requires the MCMHB to submit annual reports to the Milwaukee County executive, the Milwaukee County board, and DHS. The bill requires the MCMHB to arrange for a study on alternate funding sources for mental health services and programs with the results to be submitted by March 1, 2016, to the Milwaukee County board, the Milwaukee County executive, and DHS. In addition, the requires the Legislative Audit Bureau to perform a financial and performance evaluation audit of the MCMHB and of the mental health functions, programs, and services in Milwaukee County by January 1, 2017.

(END INSERT ANALYSIS)

1 INSERT 2-5

^

2 SECTION 1. 13.94 (1) (mg) of the statutes is created to read:

3 13.94 (1) (mg) No later than January 1, 2017, perform a financial and  
4 performance evaluation audit of the Milwaukee County mental health board and of  
5 mental health functions, programs, and services in Milwaukee County including a  
6 review of the effectiveness of the Milwaukee County mental health board and new  
7 policies implemented under that board in providing mental health services, a review  
8 of the expenditures of the Milwaukee County mental health board, a review of  
9 Milwaukee County's expenditures for mental health functions, programs, and  
10 services and the outcomes <sup>of</sup> those programs and services in the period after the  
11 formation of the Milwaukee County mental health board. The legislative audit  
12 bureau shall file a copy of the audit report under this paragraph with the distributees  
13 specified in par. (b) and the Milwaukee County executive and the Milwaukee County  
14 board of supervisors. The audit under this paragraph does not count toward the limit  
15 of audits of a county in a calendar year in par. (m).

\*\*\*\*NOTE: Do you want to make this audit a continuous requirement such as requiring a biennial audit after the initial audit?

(END INSERT 2-5)

1           INSERT 3-~~22~~<sup>22</sup>

2           2. A psychiatrist or psychologist who is suggested by the Milwaukee County  
3           board of supervisors. The Milwaukee County board of supervisors shall solicit  
4           suggestions for psychiatrists and psychologists from organizations including the  
5           Wisconsin Medical Society, the Medical Society of Milwaukee, the Wisconsin  
6           Psychological Association, and the Milwaukee Co-occurring Competency Cadre for  
7           individuals who specialize in a full continuum of behavioral health services for  
8           adults. The Milwaukee County board of supervisors shall suggest to the governor  
9           4 psychiatrists and psychologists for this board membership position.

(END INSERT 3-~~22~~<sup>22</sup>)

10          INSERT 4-19

11          6. A health care provider with experience in the delivery of substance abuse  
12          services who is suggested by the Milwaukee County executive. The Milwaukee  
13          County executive shall solicit suggestions from organizations including the  
14          Milwaukee Co-occurring Competency Cadre for health care providers specializing  
15          in providing substance abuse services. The Milwaukee County executive shall  
16          suggest to the governor 4 health care providers with experience in the delivery of  
17          substance abuse services for this board membership position.

(END INSERT 4-19)

18          INSERT 5-3

19          9. An individual who is a consumer <sup>of</sup> family member representing  
20          community-based mental health service providers. The governor shall solicit  
21          suggestions from organizations including the Milwaukee Health Care Partnership,  
22          the Milwaukee Mental Health Task Force, and the Milwaukee Co-occurring

Competency Cadre for 4 consumers and family members representing community-based mental health service providers.

(END INSERT 5-3)

INSERT 5-8

11. The chairperson of the Milwaukee Mental Health Task Force, or his or her designee.

(c) Subject to par. (d), the board shall consist of the following 2 non-voting members appointed for 4-year terms:

1. A health care provider who is on the academic staff at a higher education institution. The governor shall solicit suggestions from the Medical College of Wisconsin for individuals specializing in community-based, recovery-oriented mental health systems, maximizing comprehensive community-based services, prioritizing access to community-based services and reducing reliance on institutional and inpatient care, protecting the personal liberty of individuals experiencing mental illness so that they may be treated in the least restrictive environment to the greatest extent possible, providing early intervention to minimize the length and depth of psychotic and other mental health episodes, diverting people from the corrections system, when appropriate, or maximizing the use of mobile crisis units and crisis intervention training.

2. A health care provider who is on the academic staff at a higher education institution. The governor shall solicit suggestions from the University of Wisconsin at Madison for individuals specializing in community-based, recovery-oriented mental health systems, maximizing comprehensive community-based services, prioritizing access to community-based services and reducing reliance on

1 institutional and inpatient care, protecting the personal liberty of individuals  
2 experiencing mental illness so that they may be treated in the least restrictive  
3 environment to the greatest extent possible, providing early intervention to  
4 minimize the length and depth of psychotic and other mental health episodes,  
5 diverting people from the corrections system, when appropriate, or maximizing the  
6 use of mobile crisis units and crisis intervention training.

7 (d) 1. The governor shall ensure that one of the members under par. (b) 1. and  
8 2. is a psychologist.

9 2. When submitting suggestions for nominations of members under par. (b) the  
10 Milwaukee County executive and Milwaukee County board of supervisors shall  
11 attempt to ensure that individuals suggested are among the most-qualified and  
12 experienced<sup>d</sup> in their field.

13 3. Members under par. (b) who are health care providers shall have experience  
14 in providing services to the population that is serviced by the Milwaukee County  
15 mental health system.

(END INSERT 5-8)

16 INSERT 5-18

17 6. No member under par. (b) may serve more than 2 consecutive terms in a  
18 membership position for which suggestions for nomination are made by the same  
19 individual or entity, except that a member may serve 3 consecutive terms in a  
20 membership position for which suggestions for nomination are made by the same  
21 individual or entity if one of those 3 terms is for less than 2 years. An individual who  
22 has served 2 consecutive 4-year terms or 3 consecutive terms totalling less than 10

7  
1 years is eligible to be suggested for nomination as a member under par. (b) after the  
2 individual has not served on the board for 12 months.

3 **SECTION 2.** 17.03 (3r) of the statutes is created to read:

X  
4 17.03 (3r) (a) Notwithstanding sub. (3), a member of the Milwaukee County  
5 7 mental health board may be removed by any of the following:

6 1. The governor, for cause.

7 2. If the Milwaukee County executive suggested the member for nomination,  
8 the Milwaukee County executive, for neglect of duty, misconduct, malfeasance in  
9 office, failure to attend 4 board meetings in one year, or failure to attend 2 board  
10 meetings within one year without providing advanced notice to the chairperson of  
11 the board.

12 3. If the Milwaukee County board of supervisors suggested the member for  
13 nomination, the Milwaukee County board of supervisors, for neglect of duty,  
14 misconduct, malfeasance in office, failure to attend 4 board meetings in one year, or  
15 failure to attend 2 board meetings within one year without providing advanced  
16 notice to the chairperson of the board.

17 (b) Notwithstanding sub. (3), a member of the Milwaukee County mental  
18 health board shall be removed by the governor for engaging in an activity under s.  
19 15.195 (9) (d) that disqualifies an individual from board membership.

(END INSERT 5-18)

20 INSERT 11-2

21 In Milwaukee County, every county home, infirmary, hospital, or similar  
22 institution that provides mental health treatment shall, subject to standards and  
23 procedures adopted by the Milwaukee County mental health board, be managed by

1 a board of trustees, electors of the county, chosen by ballot by the Milwaukee County  
2 mental health board.

(END INSERT 11-2)

3 INSERT 14-4

4

\*\*\*\*NOTE: Under section 46.19 of the statutes, which is no longer in this bill, the trustees, who are appointed by the Milwaukee County mental health board for institutions providing mental health treatment may hire and remove a superintendent of a mental health institution. The trustees prescribe the duties of that superintendent. Section 46.19, however, requires the county board to fix the salaries of the superintendent, visiting physician, and all necessary additional officers of each county institution. I don't believe this requirement to set salaries should be transferred to the Milwaukee County mental health board. Please advise whether you want the county board to still have control over these salaries.

(END INSERT 14-4)

5 INSERT 16-17

6 The Milwaukee County mental health board may, together with a private or  
7 public organization or affiliation, organize, establish, and participate in the  
8 governance and operation of an entity to operate, wholly or in part, any mental  
9 health-related service, may participate in the financing of the entity, and may  
10 provide administrative and financial services or resources for its operation.

(END INSERT 16-17)

11 INSERT 18-3

12 (4) MANAGEMENT PERSONNEL. The Except as provided in s. 51.41 (8), the director  
13 may appoint personnel to manage the county department of human services and the  
14 administrator may appoint personnel to manage the county hospital, in accordance  
15 with ordinances of the county board of supervisors.

**History:** 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 239, 368, 524; 1985 a. 29 s. 3202 (23); 1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9; 2005 a. 264, 388, 443; 2007 a. 20, 45; 2009 a. 28, 180; 2011 a. 32; 2013 a. 20.

(END INSERT 18-3)

1 INSERT 20-25

\*\*\*\*NOTE: The program under s. 46.87 is the Alzheimer's family and caregiver support program. Since developmental disability is the primary responsibility of the county board of supervisors and since there is dispute over whether Alzheimer's disease is considered a mental illness, you may want to consider leaving this program under the jurisdiction of the county board of supervisors, if Milwaukee County participates.

2 INSERT 23-9

3 (f) Attempt to achieve costs savings in the provision of mental health programs  
4 and services in Milwaukee County.

(END INSERT 23-9)

5 INSERT 23-22

6 1. A decrease in the base budget amount equal to the amount held in the mental  
7 health reserve fund as described under par. (c) for the fiscal year previous to the fiscal  
8 year for which the budget is being determined.

(END INSERT 23-22)

9 INSERT 23-23

10 *not* If there are no moneys in the mental health reserve fund, the Milwaukee  
11 County mental health board makes a request to the Milwaukee County executive for  
12 a mental health budget increase, and the Milwaukee County executive approves the  
13 mental health budget increase, an increase in the base budget amount *to*

(END INSERT 23-23)

14 INSERT 24-9

15 3. If the Milwaukee County mental health board *transfers to itself* is transferred jurisdiction of  
16 a function, service, or program under sub. (4) (b) that it did not have jurisdiction over  
17 on the effective date of this subdivision .... [LRB inserts date], an increase in the base  
18 budget amount equal to the amount expended by Milwaukee County on that

1 function, service, or program in the fiscal year before the fiscal year in which the  
2 function, program, or service is transferred. This increase in the base budget applies  
3 for every year the Milwaukee County mental health board has jurisdiction over that  
4 function, service, or program.

(END INSERT 24-9)

5 INSERT 24-13

6 (c) The treasurer of Milwaukee County shall hold any unexpended moneys in  
7 a fiscal year that had been appropriated for use for mental health functions,  
8 programs, and services in a mental health reserve fund. The moneys in the mental  
9 health reserve fund may be expended in any fiscal year only for mental health  
10 functions, programs, and services in Milwaukee County.

(END INSERT 24-13)

11 INSERT 26-1

12 (b) The Milwaukee County mental health board shall arrange for a study to be  
13 conducted on alternate funding sources for mental health services and programs  
14 including fee-for-service models, managed care models that integrate mental  
15 health services into the contracts with an increased offset through basic county  
16 allocation reduction, and other funding models. By March 1, 2016, the Milwaukee  
17 County mental health board shall submit to the Milwaukee County board of  
18 supervisors, the Milwaukee County executive, and the department a report of the  
19 results of the study.

20 (8) ADMINISTRATOR. (a) The Milwaukee County executive shall nominate an  
21 individual to be the administrator of any division of the department under s. 46.21  
22 that administers behavioral health for Milwaukee County. The nominated

1 individual may be hired as the administrator only upon approval of the Milwaukee  
2 County mental health board. If the county executive does not nominate an  
3 individual by June 1, 2015, the Milwaukee County mental health board may hire an  
4 individual to be the administrator. Upon a vacancy in the position of administrator,  
5 if the county executive does not nominate an individual within 12 months of the date  
6 the position becomes vacant, the Milwaukee County mental health board may hire  
7 an individual to be the administrator.

8 (b) The Milwaukee County executive shall determine the salary and benefits  
9 and the job duties of the administrator. The county executive may not assign the  
10 administrator any duties that are not related to mental health functions, programs,  
11 and services in Milwaukee County.

12 (c) 1. The administrator under this subsection may be removed by the  
13 Milwaukee County mental health board by a vote of 8 members of that board.

14 2. The Milwaukee County executive may recommend removal of the  
15 administrator under this subsection to the Milwaukee County mental health board.  
16 If the county executive recommends removal under this subdivision, the Milwaukee  
17 County mental health board may remove the administrator upon a vote of 6 members  
18 of that board.

19 (d) The Milwaukee County board of supervisors may not hire, remove, or  
20 discipline; set the salary or benefits of, or assign or remove any job duties of the  
21 administrator under this subsection.

22 (9) MENTAL HEALTH CONTRACTS. Any contract related to mental health with a  
23 value of at least \$100,000, to which Milwaukee County is a party may take effect only  
24 if the Milwaukee County mental health board does not vote to reject the contract  
25 within 14 days after the contract is signed or countersigned by the county executive.

1 the Milwaukee County mental health board under section 15.195 (9) of the statutes,  
2 as created by this act. Those provisional appointments remain in force until  
3 withdrawn by the governor or acted upon by the senate, and if confirmed by the  
4 senate shall continue for the remainder of the unexpired term, if any, of the member  
5 and until a successor is chosen and qualifies. A provisional appointee may exercise  
6 all the powers and duties of board membership to which the person is appointed  
7 during the time in which the appointee qualifies. *the office*

\*\*\*NOTE: I will have to check if the legislature may require the governor to make appointments, especially within a certain amount of time.

8 (b) A provisional appointment made under paragraph (a) that is withdrawn by  
9 the governor lapses upon *and such* withdrawal *and* creates a vacancy for provisional  
10 appointment of another *a replacement* initial member of the Milwaukee County mental health  
11 board. Any provisional appointment made under paragraph (a) that is rejected by  
12 the senate lapses upon *and such* rejection *and* creates a vacancy for nomination and  
13 appointment under section 15.07 (1) (b) 24. of the statutes of another *use a.r. X* initial board  
14 member. *as created by this act* *a replacement*

15 (3) JURISDICTION OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD. The mental  
16 health functions, programs, and services over which the Milwaukee County mental  
17 health board has jurisdiction upon appointment of the Milwaukee County mental  
18 health board are those functions, programs, and services that Milwaukee County  
19 included in its proposed *e* 2014 budget under the behavioral health division unit 6300  
20 and under the behavioral health community services strategic program area of unit  
21 8000.

(END INSERT 45-3)

*LPS: these need to be auto numbers/autos better please fix*

Insert 22-3

SA ✓

Section #. 51.08 of the statutes is amended to read:

**51.08 Milwaukee County Mental Health Complex.** Any county having a population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a county mental health complex. The county mental health complex shall be a hospital devoted to the detention and care of drug addicts, alcoholics, chronic patients and mentally ill persons whose mental illness is acute. Such hospital shall be governed pursuant to s. 46.21. Treatment of alcoholics at the county mental health complex is subject to approval by the department under s. 51.45 (8). The county mental health complex established pursuant to this section is subject to rules promulgated by the department concerning hospital standards.

History: 1971 c. 108 ss. 5, 6; 1971 c. 125 ss. 350 to 352, 523; 1971 c. 211; 1973 c. 90, 198; 1975 c. 41; 1975 c. 430 s. 15; Stats. 1975 s. 51.08; 1985 a. 332 s. 251 (1); 1987 a. 307.

not The county board may not sell the county mental health complex under this section without approval of the Milwaukee County mental health board.

(End Insert 22-3)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3513/P3ins2

.....

**INS X**

Under the bill, the MCMHB must allocate moneys for mental health functions, programs, and services in Milwaukee County within a total budget amount which is incorporated into the Milwaukee County budget by the county board. The bill sets the total budget amount for each fiscal year to be the sum of a base budget amount equal to \$177,425,000 and any amount of unexpended moneys held by the Milwaukee County treasurer in a mental health reserve fund mandated by the bill, subject to the following adjustments:

1) The bill requires the Milwaukee County treasurer to hold in a mental health reserve fund any moneys that were appropriated, but not expended, in a fiscal year for mental health functions, programs, and services in Milwaukee County, and specifies that moneys in the reserve fund may be expended only for such functions, programs, and services. If in the fiscal year previous to the fiscal year for which the budget is being determined, the county treasurer is holding any such unexpended moneys in the mental health reserve fund, the base budget amount for the fiscal year for which the budget is being determined is decreased by the amount of those unexpended moneys.

2) If there are no moneys in the mental health reserve fund, the MCMHB requests a mental health budget increase from the Milwaukee County executive, and the Milwaukee County executive approves the mental health budget increase, the base budget amount, together with any increase under item 3), below, is increased to reflect the percentage change in a certain consumer price index during the calendar year preceding the fiscal year for which the budget is being determined or, if that percentage change is positive and if there is a smaller positive percentage change in the property tax levy between the two calendar years preceding the fiscal year for which the budget is being determined, to reflect that smaller positive percentage change.

3) If the MCMHB is transferred jurisdiction of a function, service, or program, under a procedure specified in the bill, that it did not have jurisdiction over initially, the base budget amount is increased by the amount expended by Milwaukee County on that function, service, or program in the fiscal year before the fiscal year in which the function, program, or service is transferred. The increase applies for every fiscal year for which the MCMHB has jurisdiction over the function, service, or program.

Under the bill, the Milwaukee County board may not provide funding and the Milwaukee County executive may not approve funding, in any fiscal year, for mental health functions, services, and programs that is less than or more than the total budget amount calculated for that fiscal year, as described above.

INS Y

(3) MILWAUKEE COUNTY MENTAL HEALTH BUDGET. (a) 1. The Milwaukee County board of supervisors shall incorporate into the budget for Milwaukee County for a fiscal year a total amount of funding for mental health functions, services, and programs that is equal to the sum of any amount held in the mental health reserve fund as described under par. (c) for the fiscal year previous to the fiscal year for which the budget is being determined and the base budget amount of \$177,425,000, adjusted as provided in subds. 2<sup>to 4.</sup>

2. The base budget amount under subd. 1. shall be decreased by an amount equal to any amount held in the mental health reserve fund as described under par. (c) for the fiscal year previous to the fiscal year for which the budget is being determined.

3. If there are no moneys in the mental health reserve fund, the Milwaukee County mental health board makes a request to the Milwaukee County executive for a mental health budget increase, and the Milwaukee County executive approves the mental health budget increase, the base budget amount under subd. 1., together with any increase under subd. 4., shall be increased to reflect one of the following:

a. Unless subd. 3. b. applies, the percentage change in the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, during the calendar year preceding the fiscal year for which the budget is being determined.

b. If the percentage change described in subd. 3. a. is positive and if there was a smaller positive percentage change in the property tax levy for Milwaukee County between the 2 calendar years preceding the fiscal year for which the budget is being determined, that smaller positive percentage change.



4. If the Milwaukee County mental health board transfers to itself jurisdiction of a function, service, or program under sub. (4) (b) that it did not have jurisdiction over on the effective date of this subdivision .... [LRB inserts date], the base budget amount under subd. 1. shall be increased by an amount equal to the amount expended by Milwaukee County on that function, service, or program in the fiscal year before the fiscal year in which the function, program, or service is transferred. An increase under this subdivision applies for every fiscal year the Milwaukee County mental health board has jurisdiction over that function, service, or program.

## Dodge, Tamara

---

**From:** Hoisington, Joshua  
**Sent:** Thursday, January 30, 2014 3:21 PM  
**To:** Dodge, Tamara  
**Subject:** Minor changes, questions

**Importance:** High

Tami,

Thank you again for your work.

Please make these minor revisions and send us a introducible draft. We need it by tomorrow morning, please.

### Changes

✓ Analysis, fifth line, after specifies, delete a?

✓ Page 7, after line 4, yes

✓ Page 30, top, under county board, yes

— Page 33, line 1 – should (f) be 8.? NO

### Questions

Page 22, after line 13, can we have the county exec set the salary like a normal appt? If so, please make that change.

— Top of page 47, ok, can you please give a brief description to us why this is in non-stat and provisional appt's?

Best Regards,

Josh Hoisington  
Office of Representative Joe Sanfelippo  
15th Assembly District  
608.266.0620

NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.

## **Dodge, Tamara**

---

**From:** Dodge, Tamara  
**Sent:** Thursday, January 30, 2014 5:26 PM  
**To:** Hoisington, Joshua  
**Subject:** RE: Minor changes, questions

See my answers below.

### **Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

---

**From:** Hoisington, Joshua  
**Sent:** Thursday, January 30, 2014 3:21 PM  
**To:** Dodge, Tamara  
**Subject:** Minor changes, questions  
**Importance:** High

### **Changes**

Page 33, line 1 – should (f) be 8.? No, this is a separate thought from that list. It's fine.

### **Questions**

Page 22, after line 13, can we have the county exec set the salary like a normal appt? If so, please make that change.

Apparently the county board has been setting the salaries of these individuals as that is what the statute requires. For the purposes of getting this draft completed, I have provided that the salaries for these individuals whose positions are related to mental health are set by the county executive. I don't know if that is enough; you may need to add more later.

Top of page 47, ok, can you please give a brief description to us why this is in non-stat and provisional appt's?

The provisional appointments are to allow the initial appointments to begin work before the Senate appoints. It is in the nonstatutory section because it is done once probably before the next printing of the statutes and then it becomes unnecessary. There is already a provision in the statutes that applies to provisional appointments for vacancies. The part written in the draft is only for the initial appointments. Nonstats, as we discussed, have the force of law.